

HOUSE JOURNAL

SEVENTY-SEVENTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SIXTY-NINTH DAY — TUESDAY, MAY 8, 2001

The house met at 1:00 p.m. and was called to order by the speaker pro tempore.

The roll of the house was called and a quorum was announced present (Record 328).

Present — Mr. Speaker; Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Absent, Excused — Hilbert.

LEAVES OF ABSENCE GRANTED

On motion of Representative Y. Davis and by unanimous consent, all members who were granted leaves of absence on the previous legislative day were granted leaves for this legislative day.

RULES SUSPENDED

Representative Y. Davis moved to suspend all necessary rules in order to take up and consider at this time, on third reading and final passage, the bills on the local, consent, and resolutions calendar which were considered on the previous legislative day.

The motion prevailed without objection.

MOTION FOR ONE RECORD VOTE

On motion of Representative Y. Davis and by unanimous consent, the house agreed to use the first record vote taken for all those bills on the local, consent, and resolutions calendar that require a record vote on third reading

and final passage, with the understanding that a member may record an individual vote on any bill with the journal clerk.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 4).

LOCAL, CONSENT, AND RESOLUTIONS CALENDAR THIRD READING

The following bills which were considered on second reading on the previous legislative day on the local, consent, and resolutions calendar were laid before the house, read third time, and passed by a voice vote (members registering votes are shown following bill number):

HB 15

HB 31

HB 149

HB 428

HB 541

HB 715

HB 811

HB 964

HB 1447

HB 1617

HB 1872

HB 2043

HB 2124

HB 2230

HB 2240

HB 2340

HB 2368

HB 2638

HB 2645

HB 2950

HB 2978

HB 3209

HB 3296

HB 3347

HB 3391

HB 3441

HB 3527

HB 3528

HB 3552

SB 1046

HB 3696

SB 38

SB 52

SB 125

SB 141

SB 145

SB 152

SB 171

SB 270

SB 347

SB 561

SB 600

SB 647

SB 656

SB 664

SB 726

SB 837

SB 875

SB 911

SB 916

SB 936

SB 939

SB 941

SB 1023

SB 1073

SB 1089

SB 1123

SB 1127

SB 1165

SB 1167

SB 1194

SB 1319

SB 1339

SB 1407

SB 1410

SB 1433

SB 1681

HB 547

HB 1706

HB 2504

The following bills which were considered on second reading on the previous legislative day on the local, consent, and resolutions calendar were laid before the house, read third time, and passed by (Record 329): 147 Yeas, 0 Nays, 2 Present, not voting (members registering votes and the results of the vote are shown following bill number).

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uresti; Villarreal; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker; Uher(C).

Absent, Excused — Hilbert.

HB 1633

HB 1776

HB 1887

HB 2341

HB 2650

HB 2719

HB 3153

HB 3203

HB 3364

HB 3433

SB 1080

HB 3691

HB 3693

HB 3695

SB 71

SB 73

SB 74

SB 77

SB 126

SB 164

SB 221

SB 256

SB 282

SB 327

SB 370

SB 386

SB 387

SB 424

SB 558

SB 605

SB 613

SB 632

SB 636

SB 694

SB 725

SB 863

SB 870

SB 1034

SB 1057

SB 1065

SB 1094

SB 1144

SB 1158

SB 1168

SB 1300

SB 1338

SB 1419

SB 1456

SB 1547

SB 1640

HB 1732

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 48).

**BILLS AND JOINT RESOLUTIONS ON FIRST READING
AND REFERRAL BILLS TO COMMITTEES
RESOLUTIONS REFERRED TO COMMITTEES**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1)

**PROVIDING FOR A LOCAL, CONSENT, AND RESOLUTIONS
CALENDAR**

Representative Y. Davis moved to set a local, consent, and resolutions calendar for 10 a.m. Friday, May 11.

The motion prevailed without objection.

HB 1115 - CALLED FROM JOURNAL

Representative Driver called from the journal the motion to reconsider the vote by which **HB 1115** failed to pass to engrossment.

The motion to reconsider prevailed.

HB 1115 ON SECOND READING**(by Driver, Madden, Berman, Hinojosa, Goolsby, et al.)**

HB 1115, A bill to be entitled An Act relating to the authority of a municipality to implement a photographic traffic signal enforcement system; providing for the imposition of civil penalties and providing a criminal penalty.

HB 1115 was read second time on May 4, amended, and failed to pass to engrossment. A motion to reconsider was spread on the journal on May 5, and on May 8 one legislative day's notice was given to call the motion from the journal.

Amendment No. 16

Representative Walker offered the following amendment to **HB 1115**:

Amend **HB 1115** (Committee Printing) as follows:

On page 2, line 5, between "municipality" and "by" insert "with a population of 40,000 or more".

Amendment No. 16 was adopted without objection.

Amendment No. 17

Representative Driver offered the following amendment to **HB 1115**:

Amend **HB 1115** as follows:

On page 8, line 24, strike "impounded or".

Amendment No. 17 was adopted without objection.

Amendment No. 18

Representative Keel offered the following amendment to **HB 1115**:

Amend **HB 1115**, in Section 1 of the bill, at the end of added Section 707.006(d), Transportation Code (committee printing, page 5, between lines 21 and 22), by inserting:

(e) Each notice of violation mailed under Subsection (b) must:

(1) be accompanied by a printed explanation that the system that generated the notice of violation was implemented as a result of the enactment of **HB 1115** by the 77th Regular Session of the Texas Legislature; and

(2) contain the record vote by which **HB 1115** was adopted in the House of Representatives, including the vote of each member of the house, as recorded in the House Journal.

Representative P. King moved to table Amendment No. 18.

A record vote was requested.

The motion to table prevailed by (Record 330): 78 Yeas, 64 Nays, 3 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Carter; Chavez; Chisum; Cook; Counts; Delisi; Deshotel; Driver; Ehrhardt; Elkins; Farabee; George; Geren;

Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hardcastle; Hartnett; Hawley; Hill; Hinojosa; Hochberg; Homer; Hope; Hopson; Hunter; Hupp; Janek; Jones, D.; King, P.; King, T.; Kitchen; Kuempel; Lewis, G.; Lewis, R.; Madden; Marchant; Maxey; McCall; Merritt; Morrison; Mowery; Najera; Nixon; Pitts; Ramsay; Ritter; Salinas; Seaman; Shields; Smith; Smithee; Solomons; Swinford; Telford; Thompson; Turner, B.; Uresti; Walker; West; Wise; Wohlgemuth; Woolley.

Nays — Capelo; Christian; Clark; Coleman; Corte; Crabb; Craddick; Crownover; Davis, J.; Davis, Y.; Denny; Dukes; Dunnam; Dutton; Edwards; Eiland; Ellis; Farrar; Flores; Gallego; Garcia; Giddings; Glaze; Hamric; Heflin; Hilderbran; Hodge; Howard; Isett; Jones, E.; Jones, J.; Keel; Keffer; Kolkhorst; Krusee; Longoria; Luna; Martinez Fischer; McClendon; McReynolds; Menendez; Miller; Moreno, J.; Moreno, P.; Naishtat; Noriega; Oliveira; Olivo; Pickett; Puente; Rangel; Raymond; Reyna, A.; Reyna, E.; Sadler; Solis; Talton; Tillery; Villarreal; Williams; Wilson; Wolens; Yarbrough; Zbrank.

Present, not voting — Mr. Speaker; Turner, S.; Uher(C).

Absent, Excused — Hilbert.

Absent — Callegari; Danburg; Junell; Truitt.

STATEMENT OF VOTE

When Record No. 330 was taken, I was in the house but away from my desk. I would have voted yes.

Truitt

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List Nos. 23 and 24).

HB 1115 - (consideration continued)

Amendment No. 19

Representative Hochberg offered the following amendment to **HB 1115**:

Amend **HB 1115** in added Section 707.002, Transportation Code, by adding the following:

(c) The study required by Subsection (b) must include a determination of the appropriate delay time after a traffic-control signal displays a steady red signal before the camera takes a photograph, based on relevant traffic speeds and patterns.

Amendment No. 19 was adopted without objection.

Amendment No. 20

Representatives Wilson, Olivo, Heflin, Hamric, Edwards, Farrar, J. Moreno, and Dutton offered the following amendment to **HB 1115**:

Amend **HB 1115** (Committee Printing) as follows:

On page 2 between lines 12 and 13 add a new section Sec. 707.0025 to read as follows: This provision does not apply to cities with populations of 1.1 million or more.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 5).

HB 1115 - (consideration continued)

Amendment No. 20 was withdrawn.

Amendment No. 21

Representatives Wilson, Keel, Kitchen, Tillery, Garcia, Maxey, Dukes, Naishtat, Olivo, Heflin, Hamric, Edwards, Farrar, J. Moreno, and Dutton offered the following amendment to **HB 1115**:

AMEND **HB 1115** (Committee Printing) as follows:

On page 2 between lines 12 and 13 add a new section Sec. 707.0025 to read as follows: This provision does not apply to cities with populations of 656,000 or more.

Representative Berman raised a point of order against further consideration of Amendment No. 21 under Rule 8, Section 10(b) of the House Rules on the grounds that the adoption of the amendment would result in the bill being limited in application by means of a closed population bracket in lieu of naming the political subdivisions to which the bill would apply.

The point of order was withdrawn.

Representative Nixon moved to table Amendment No. 21.

The motion to table was lost.

Amendment No. 21 was adopted.

Amendment No. 22

Representatives Gallego and Keel offered the following amendment to **HB 1115**:

Amend **HB 1115** (committee printing) on page 10, by striking lines 17-21 and substituting the following: "the municipality shall use revenue derived from civil penalties imposed under this chapter for the costs of employing additional peace officers."

Amendment No. 22 was withdrawn.

A record vote was requested.

The vote of the house was taken on passage to engrossment of **HB 1115**, as amended, and the vote was announced yeas 68, nays 71.

A verification of the vote was requested and was granted.

The roll of those voting yea and nay was again called and the verified vote resulted, as follows (Record 331): 71 Yeas, 71 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Brimer; Brown, B.; Brown, F.; Chavez; Chisum; Christian; Cook; Counts; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Edwards; Ehrhardt; Elkins; Farabee; George; Geren; Goodman; Goolsby; Gray; Green; Gutierrez; Haggerty; Hartnett; Hawley; Hill; Hinojosa; Hochberg; Hodge; Hope; Hopson; Hunter; Janek; Jones, D.; Junell; King, P.; Krusee; Kuempel; Lewis, G.; Lewis, R.; Luna; Madden; McCall; Morrison; Mowery; Najera; Nixon; Pitts; Reyna, A.; Salinas; Seaman; Smith; Smithee; Solomons; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uresti; Walker; West; Wise; Woolley.

Nays — Bonnen; Bosse; Burnam; Callegari; Capelo; Clark; Coleman; Corte; Crabb; Craddick; Crownover; Denny; Dukes; Dunnam; Dutton; Eiland; Ellis; Farrar; Flores; Gallego; Garcia; Glaze; Hamric; Hardcastle; Heflin; Hilderbran; Homer; Howard; Hupp; Isett; Jones, E.; Jones, J.; Keel; Keffer; King, T.; Kitchen; Kolkhorst; Longoria; Martinez Fischer; Maxey; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Naishtat; Noriega; Oliveira; Olivo; Pickett; Puente; Ramsay; Rangel; Raymond; Reyna, E.; Ritter; Sadler; Shields; Solis; Swinford; Talton; Telford; Villarreal; Williams; Wilson; Wohlgemuth; Wolens; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker; Uher(C).

Absent, Excused — Hilbert.

Absent — Carter; Danburg; Giddings; Grusendorf; Marchant.

The chair stated that **HB 1115** failed to pass to engrossment by the above vote.

STATEMENTS OF VOTE

When Record No. 331 was taken, I was temporarily out of the house chamber. I had to run over to the senate to work with Senator Bivins and Senator Browns' Committee on Private Activity Bond Caps, an issue which was taking money out of affordable housing for the Texas workforce housing issues in our sunset bill, and could not get back to the house chamber for verification count.

I would have voted yes.

Carter

When Record No. 331 was taken, I was in the house but away from my desk. The issue should be handled by municipalities. The many amendments to the bills were confusing and in some cases in conflict. Therefore the affects of the bill could not be determined.

I would have voted no.

Giddings

I was shown voting no on Record No. 331. I intended to vote yes.

Merritt

HB 1115 - REASON FOR VOTE

This bill has been marketed as a "public safety" measure that could save lives. That assertion is false.

In fact, this bill would be detrimental to the administration of public safety and would be utilized by municipalities as an excuse to further under-fund police agencies. Even in the floor debate, the bill's advocates proffered the idea that the bill would "[cut down on the need for officers to be assigned to enforce these types of violations]." Representative King even went so far as to suggest that cameras would be "better and more effective than officers on the street." It is that thinking that will be used to justify fewer police officers on the street to enforce traffic and intervene with drivers, thereby preventing injuries. Cameras will not detain a single reckless driver or take a single drunk driver off the road.

This bill is driven by private vendors who stand to make money based upon a contingency arrangement with cities in divvying up the fine. The proposal privatizes a government function regarding the enforcement of the law, and completely removes the element of discretion. This is unwise.

It should also be noted that there are many legitimate reasons a motorist may lawfully proceed into an intersection, e.g., to avoid an errant pedestrian or bicyclist, emergency personnel, construction or even to allow a larger vehicle to turn. These and any of a number of other valid defenses will be not be excused by a camera. Nor will cameras necessarily punish the driver, but instead in many cases, merely the owner. It will have no effect on car thieves, renters, teenagers, or any other of the myriad of non-owner drivers. Of course, the owner will be placed in the position of either paying the fine, or spending time and personal expense to prove his innocence under time-consuming and inconvenient circumstances.

Some advocates of the bill argued that certain "cities" had come out in favor of this camera bill. That argument is unpersuasive. If cities are genuinely interested in saving lives, they will make public safety a priority and adequately fund police departments, which are now, in many Texas cities, far below the accepted ratio of officers per population.

Keel

(Speaker in the chair)

POSTPONED BUSINESS

The following bills were laid before the house as postponed business:

HB 3631 ON SECOND READING

(by S. Turner and Hochberg)

HB 3631, A bill to be entitled An Act relating to implementation of policies requiring successful performance on assessment instruments for advancement to certain grade levels in public schools.

HB 3631 was read second time on May 4 and was postponed until this time.

Representative S. Turner moved to postpone consideration of **HB 3631** until after the disposition of **SB 532** on third reading.

The motion prevailed without objection.

CSHB 1031 ON SECOND READING
(by West)

CSHB 1031, A bill to be entitled An Act relating to electronically readable information on a driver's license or personal identification certificate; providing penalties.

CSHB 1031 was read second time on May 1 and was postponed until this time.

Representative West moved to postpone consideration of **CSHB 1031** until 9 a.m. Thursday, May 10.

The motion prevailed without objection.

HB 2107 ON SECOND READING
(by S. Turner, Longoria, and Bailey)

HB 2107, A bill to be entitled An Act relating to the recovery of stranded costs and the crediting of negative stranded costs.

HB 2107 was read second time on May 1, amendments were offered, and the bill was postponed until this time.

Amendment No. 3

Representative S. Turner offered the following amendment to **HB 2107**:

Amend **HB 2107** by striking all below the enacting clause and substituting the following:

SECTION 1. Section 39.052(c), Utilities Code is amended to read as follows:

(c) Notwithstanding any other provision of this title, during the freeze period the regulatory authority may not reduce the retail base rates of an electric utility, except as may be ordered as stipulated to by an electric utility in a proceeding for which a final order had not been issued by January 1, 1999. A credit ordered in accordance with Section 39.201(f) is not a reduction to retail base rates.

SECTION 2. Section 39.201, Utilities Code, is amended by amending Subsection (f) and adding Subsection (m) to read as follows:

(f) The expected competition transition charge shall be that as determined under Subsections (g) and (h) and as implemented under Subsections (i)-(l). If at any time before June 15, 2001, the commission determines that an electric utility that is subject to Section 39.254 does not have positive stranded costs based on a computation under Subsection (h), the Commission shall order that mitigation attributable to positive differences identified under Section 39.257, not including estimates of positive differences for calendar year 2001, and mitigation attributable to excess earnings identified in accordance with transition plans approved by the Commission be applied as follows:

(1) 50 percent of the amount allocable to residential customers, according to a methodology determined by the commission, shall be applied as a nonbypassable credit to the electric utility's residential customers in calendar year 2001 as ordered by the commission;

(2) Remaining excess earnings allocable to residential customers, including estimated positive differences for calendar year 2001, according to a methodology determined by the commission, shall be applied as a credit against transmission and distribution charges for residential customers over 5 years beginning January 1, 2002; and

(3) the amount allocable to non-residential customer classes, according to a methodology determined by the commission, shall be applied as a credit against transmission and distribution charges for non-residential customers over 5 years beginning January 1, 2002.

SECTION 3. Section 39.254, Utilities Code, is amended to read as follows:

Sec. 39.254. USE OF REVENUES FOR UTILITIES WITH STRANDED COSTS. This subchapter provides a number of tools to an electric utility to mitigate stranded costs. Each electric utility that was reported by the commission to have positive "excess costs over market" (ECOM), denoted as the "base case" for the amount of stranded costs before full retail competition in 2002 with respect to its Texas jurisdiction, in the April 1998 Report to the Texas Senate Interim Committee on Electric Utility Restructuring entitled "Potentially Strandeable Investment (ECOM) Report: 1998 Update," must use these tools to reduce the net book value of, otherwise referred to as "accelerate" the cost recovery of, its stranded costs each year. Any positive difference under the report required by Section 39.257(b) shall be applied to the net book value of generation assets, except that if Section 39.201(f) applies, the positive differences shall be applied as ordered by the commission.

SECTION 4. (a) This Act takes effect immediately if it receives a vote of two-thirds of all members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2001.

(b) Notwithstanding Section 39.201(f)(1), Utilities Code, as added by this Act, if this Act is given immediate effect, the Public Utility Commission of Texas shall ensure that electric utilities to which that section applies apply the credits to customers' bills for consumption in August 2001, to the extent possible.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 6).

HB 2107 - (consideration continued)

Amendment No. 4

Representative Wolens offered the following amendment to Amendment No. 3:

Amend the amendment to **HB 2107** by striking the entirety of the amendment after page 1, line 2 and substituting the following:

SECTION 1. Section 39.052(c), Utilities Code, is amended to read as follows:

"(c) Notwithstanding any other provision of this title, during the freeze period the regulatory authority may not reduce the retail base rates of an electric utility, except as may be ordered as stipulated to by an electric utility in a proceeding for which a final order had not been issued by January 1, 1999. A credit ordered in accordance with Section 39.201(d) is not a reduction to retail base rates."

SECTION 2. Section 39.201, Utilities Code, is amended by amending Subsection (d) and adding Subsection (m) to read as follows:

"(d) In accordance with a schedule and procedures it establishes, the commission shall hold a hearing and approve or modify and make effective as of January 1, 2002, the transmission and distribution utility's proposed tariffs for transmission and distribution services, the system benefit fund fee, and the expected competition transition charge as determined under Subsections (g) and (h) and as implemented under Subsections (i)-(1), if any. If the commission determines that an electric utility that is subject to Section 39.254 and that has a service area exclusively located within the Electric Reliability Council of Texas does not have positive stranded costs based on a computation under Subsection (h), the commission shall order that mitigation attributable to positive differences identified under Section 39.257, excluding estimates of positive differences for calendar year 2001, and including mitigation attributable to excess earnings identified in accordance with transition plans approved by the commission be applied such that 50 percent of such amounts allocable to residential customers, according to a methodology determined by the commission, shall be applied as a nonbypassable credit to the electric utility's residential customers in September 2001 as ordered by the commission.

SECTION 3. Section 39.254, Utilities Code, is amended to read as follows:

"Sec. 39.254. **USE OF REVENUES FOR UTILITIES WITH STRANDED COSTS.** This subchapter provides a number of tools to an electric utility to mitigate stranded costs. Each electric utility that was reported by the commission to have positive "excess costs over market" (ECOM), denoted as the "base case" for the amount of stranded costs before full retail competition in 2002 with respect to its Texas jurisdiction, in the April 1998 Report to the Texas Senate Interim Committee on Electric Utility Restructuring entitled "Potentially Strandable Investment (ECOM) Report: 1998 Update," must use these tools to reduce the net book value of, otherwise referred to as "accelerate" the cost recovery of, its stranded costs each year. Any positive difference under the report required by Section 39.257(b) shall be applied to the net book value of generation assets, except that if Section 39.201(d) applies, the positive differences shall be applied as ordered by the commission."

SECTION 4. This Act takes effect September 1, 2001.

Amendment No. 4 was adopted without objection.

Amendment No. 3, as amended, was adopted without objection.

HB 2107, as amended, was passed to engrossment. (Nixon and Shields recorded voting no; Noriega, present, not voting)

SB 1096 ON SECOND READING
(Brimer - House Sponsor)

SB 1096, A bill to be entitled An Act relating to economic incentives to attract horse racing events of national significance.

SB 1096 was considered in lieu of **CSHB 1923**.

SB 1096 was read second time.

Representative Brimer moved to postpone consideration of **SB 1096** until 10 a.m. tomorrow.

The motion prevailed without objection.

CSHB 1923 - LAID ON THE TABLE SUBJECT TO CALL

Representative Brimer moved to lay **CSHB 1923** on the table subject to call.

The motion prevailed without objection.

SB 980 ON SECOND READING
(Walker - House Sponsor)

SB 980, A bill to be entitled An Act relating to the imposition by a municipality of a moratorium on property development in certain circumstances.

SB 980 was considered in lieu of **CSHB 2117**.

SB 980 was read second time.

Representative Walker moved to postpone consideration of **SB 980** until 10 a.m. tomorrow.

The motion prevailed without objection.

CSHB 2117 - LAID ON THE TABLE SUBJECT TO CALL

Representative Walker moved to lay **CSHB 2117** on the table subject to call.

The motion prevailed without objection.

SB 1175 ON SECOND READING
(Walker - House Sponsor)

SB 1175, A bill to be entitled An Act relating to the administration of the weather modification program and grants for weather modification and control activities.

SB 1175 was considered in lieu of **CSHB 3230**.

SB 1175 was read second time.

Representative Walker moved to postpone consideration of **SB 1175** until 10 a.m. tomorrow.

The motion prevailed without objection.

CSHB 3230 - LAID ON THE TABLE SUBJECT TO CALL

Representative Walker moved to lay **CSHB 3230** on the table subject to call.

The motion prevailed without objection.

HB 2522 ON SECOND READING
(by Wilson)

HB 2522, A bill to be entitled An Act relating to requiring the Texas Department of Transportation to establish and maintain a state airport in Central Texas.

HB 2522 was read second time on May 3 and was postponed until this time.

Amendment No. 1

Representative Dukes offered the following amendment to **HB 2522**:

Amend **HB 2522** by striking Section 1 and substituting:

SECTION __. Subchapter B, Chapter 21, Transportation Code, is amended by adding section 21.069 to read as follows:

Sec. 21.069. STATE AIRPORT IN CENTRAL TEXAS. (a) The State Department of Transportation in consultation with the State Aircraft Pooling Board shall establish and maintain in Central Texas an airport open to the general public. The site selection shall be conducted by the Aviation Department of the Texas Department of Transportation.

(b) In determining the appropriate location for a state airport in central Texas, The Aviation Department of the Texas Department of Transportation (ADTDT) shall consider:

(1) the convenience, comfort, and accomodation of air traffic flying into and departing from the central Texas region, including persons traveling for business and commercial reasons, government officials, and tourists; and

(2) the safe operation of aircraft flying into and departing from the central Texas region.

(c) The Texas Department of Transportation may acquire property by eminent domain that the board considers necessary to enable it to meet its responsibilities under this section.

(d) Neither the Texas Department of Transportation nor the ADTDT may consider for the purposes of this section any property in a municipality without the approval of the governing body of the municipality. The Texas Department of Transportation may not consider for the purposes of this section any property outside of municipalities without the approval of the commissioner court of the county in which the property is located.

(e) The Texas Department of Transportation and the ADTDT may not consider for the purposes of this section the property in Austin, Texas identified as Robert Mueller Airport.

(f) The Texas Department of Transportation shall utilize only federal matching funds, federal grants, in kind contributions, private sector funds, nonprofit grants and local government funding for the establishment of this facility.

Amendment No. 1 was adopted without objection.

HB 2522, as amended, was passed to engrossment.

SB 85 ON SECOND READING

(Hinojosa, McClendon, and Farrar - House Sponsors)

SB 85, A bill to be entitled An Act relating to the punishment for a capital offense.

SB 85 was considered in lieu of **CSHB 365**.

SB 85 was read second time.

Representative Hinojosa moved to postpone consideration of **SB 85** until 2 p.m. May 14.

The motion prevailed without objection.

CSHB 365 - LAID ON THE TABLE SUBJECT TO CALL

Representative Hinojosa moved to lay **CSHB 365** on the table subject to call.

The motion prevailed without objection.

HB 3175 ON SECOND READING

(by Solis)

HB 3175, A bill to be entitled An Act relating to the candidacy of certain personnel in a prosecuting attorney's office or a city attorney's office in an election for judicial office.

HB 3175 was read second time on May 1, postponed until May 7, and was again postponed until this time.

Representative Solis moved to postpone consideration of **HB 3175** until the end of third reading bills today.

The motion prevailed without objection.

EMERGENCY CALENDAR

HOUSE BILLS

THIRD READING

The following bill was laid before the house and read third time:

HB 150 ON THIRD READING

(by D. Jones)

HB 150, A bill to be entitled An Act relating to the composition of the districts of the Texas House of Representatives.

Amendment No. 1

Representative D. Jones offered the following amendment to **HB 150**:

Amend **HB 150** on third reading as follows:

(1) Renumber the following districts established under Article 2 of the bill as follows, and revise the text of Article 2 describing each of the districts accordingly:

- (1) Renumber District 12 as District 28.
- (2) Renumber District 28 as District 144.
- (3) Renumber District 52 as District 12.
- (4) Renumber District 53 as District 52.
- (5) Renumber District 54 as District 123.
- (6) Renumber District 69 as District 80.
- (7) Renumber District 80 as District 69.
- (8) Renumber District 89 as District 53.
- (9) Renumber District 90 as District 54.
- (10) Renumber District 99 as District 89.
- (11) Renumber District 100 as District 90.
- (12) Renumber District 115 as District 99.
- (13) Renumber District 116 as District 100.
- (14) Renumber District 123 as District 115.
- (15) Renumber District 126 as District 116.
- (16) Renumber District 144 as District 126.

(2) Renumber the sections of Article 2 of the bill describing the districts renumbered by this amendment to correspond to the district numbers as renumbered by this amendment.

Amendment No. 1 was adopted without objection.

HB 150, as amended, was passed.

HB 150 - REASON FOR VOTE

From the beginning of the redistricting process, I have made an effort to keep District 74 intact as it currently stands. Unfortunately, due to various issues (such as the constitutional requirement to keep counties whole, changing demographics, population shifts, and the need to create a new Hispanic district), the proposed redistricting plan removes Kinney and Maverick counties from District 74.

For the past ten years, I have been honored to represent the people of Kinney and Maverick counties. I am particularly grateful to the people of Maverick County, the county that provided the margin of victory in my initial election. The people of Maverick County bestowed on me one of the greatest honors of my life with the naming and dedication of Pete Gallego Elementary School in Eagle Pass.

For reasons enumerated above, including the need to create a new Hispanic seat for South Texas, I supported the redistricting plan put forward by Chairman Jones. Though several amendments offered during the debate on **HB 150** would have at least partially restored District 74 to its present shape, these amendments did not serve the interests of the Hispanic

community nor the interests of South and West Texas. It was not possible to keep District 74 intact, though that was my strong preference and desire.

Gallego

**MAJOR STATE CALENDAR
HOUSE BILLS
SECOND READING**

The following bills were laid before the house and read second time:

**CSHB 3452 ON SECOND READING
(by Gallego, Solis, McCall, Chisum, and Luna)**

CSHB 3452, A bill to be entitled An Act relating to the continuation and functions of the Texas Department of Economic Development and the operation, funding, and administration of economic development programs.

Amendment No. 1

Representative Solis offered the following amendment to **CSHB 3452**:

Amend **CSHB 3452** as follows:

(1) On page 12, line 13, between "council" and the comma, insert "and the Legislative Budget Board".

(2) On page 23, lines 2 and 3, between "program," and "the border" insert "and".

(3) On page 23, lines 3 and 4, strike ", and the Texas rural economic development fund".

(4) On page 23, line 6, between "program," and "the" insert "and".

(5) On page 23, lines 7 and 8, strike ", and the Texas rural economic development fund".

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Deshotel offered the following amendment to **CSHB 3452**:

Amend **CSHB 3452** on page 12, line 2, by striking proposed Section 481.177(3), Government Code, and substituting the following:

(3) coordinate a marketing plan that promotes Texas, that includes input from all council members, that includes the creation and adoption of a cooperative regional marketing plan regarding the use of promotional funds by convention and visitors bureaus in coordination with the department's tourism functions prescribed by Sections 481.171, 481.172, and 481.174;

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representatives Junell and Luna offered the following amendment to **CSHB 3452**:

Amend **CSHB 3452** as follows:

(1) Strike SECTION 17 of the bill (page 14, line 6, to page 15, line 6) and substitute the following:

SECTION 17. The Texas Department of Economic Development may not

award a grant under the smart jobs fund program on or after the effective date of this Act. The Texas Department of Economic Development shall perform its duties under all smart jobs fund program contracts in existence on the effective date of this Act.

(2) Add the following appropriately numbered SECTIONS and renumber subsequent SECTIONS appropriately:

SECTION _____. Section 481.154, Government Code, is amended to read as follows:

Sec. 481.154. FUNDING[; ~~RAINY DAY FUND~~]. (a) The smart jobs fund is established as a dedicated account in the general revenue ~~[special trust] fund [in the custody of the comptroller separate and apart from all public money or funds of this state]~~. The fund is composed of:

(1) money transferred into the fund under Section 204.123, Labor Code;

(2) gifts, grants, and other donations received by the department for the fund; and

(3) any amounts appropriated by the legislature for the program from the general revenue fund.

(b) The program is funded through the smart jobs fund.

(c) Money in the smart jobs fund may be used for program administration, marketing expenses, and evaluation of the program. These costs of the department in any fiscal year may not exceed the lesser of:

(1) five percent of the total amount appropriated for the program for that fiscal year; or

(2) \$1.5 million.

(d) If money in the unemployment insurance holding fund is insufficient to prevent the unemployment insurance trust fund from incurring a deficit tax, the Texas Workforce Commission may request an emergency transfer of money from the smart jobs fund for that purpose, and upon approval of the Legislative Budget Board and the governor, money from the smart jobs fund shall be transferred to the Texas Workforce Commission for that purpose ~~[The smart jobs rainy day fund is established as a special trust fund in the custody of the comptroller separate and apart from all public money or funds of this state. The smart jobs rainy day fund is composed of:~~

~~[(1) money transferred to that fund as provided by Section 204.123, Labor Code;~~

~~[(2) money returned by employers or recouped by the program under Section 481.159(d); and~~

~~[(3) any other money received by the governing board for deposit in that fund;~~

~~[(e) The governing board may authorize the executive director to use money in the smart jobs rainy day fund if:~~

~~[(1) the governing board determines, after consulting with the comptroller, that the smart jobs fund contains insufficient money to cover the amounts appropriated by the legislature to operate the program; and~~

~~[(2) the Texas Workforce Commission has determined that:~~

~~[(A) the unemployment rate in this state is 125 percent of the average unemployment rate in this state during the preceding three years; or~~

~~[(B) a severe economic dislocation is occurring in a specific region of this state.~~

~~[(f) The Texas Workforce Commission by rule shall define "severe economic dislocation" for purposes of Subsection (e). In adopting a definition, the commission shall consider employment-related factors, including:~~

~~[(1) massive layoffs in a region of this state caused by:~~

~~[(A) the closure of military bases;~~

~~[(B) the effect of the implementation of the North American Free Trade Agreement;~~

~~[(C) employer relocations; or~~

~~[(D) other analogous situations; and~~

~~[(2) the number of jobs lost in a region compared to the region's usual rates of employment.~~

~~[(g) If the governing board approves the use of money from the smart jobs rainy day fund because of a severe economic dislocation occurring in a specific region of the state, the executive director may use the money allocated from the smart jobs rainy day fund solely for projects located in the affected region.~~

~~[(h) Notwithstanding any other provision of this section, the total combined amount spent in any fiscal year from the smart jobs fund and the smart jobs rainy day fund may not exceed the amount appropriated by the legislature for that fiscal year for the operation of the smart jobs fund program.~~

~~[(i) If, during any three consecutive months, the balance in the smart jobs fund or the smart jobs rainy day fund exceeds 0.15 percent of the total taxable wages for the four calendar quarters ending the preceding June 30, as computed under Section 204.062(c), Labor Code, the executive director shall immediately transfer the excess from the applicable fund to the Unemployment Compensation Fund created under Section 203.021, Labor Code].~~

SECTION _____. Section 481.161, Government Code, is amended to read as follows:

Sec. 481.161. EXPIRATION. Sections 481.151, 481.152, 481.153, 481.155, 481.156, 481.1565, 481.157, 481.158, 481.159, and 481.160, and this section expire [This subchapter expires] December 31, 2001.

Amendment No. 4

Representative Luna offered the following amendment to Amendment No. 3:

Amend Floor Amendment No. ____ by Junell for **CSHB 3452** by adding the following appropriately lettered subsections to proposed Section 481.154, Government Code, as follows:

() Notwithstanding any other provision of this section, the total combined amount spent in any fiscal year from the smart jobs fund may not exceed the amount appropriated by the legislature for that fiscal year for the operation of the smart jobs fund program.

() If, during any three consecutive months, the balance in the smart jobs fund exceeds 0.15 percent of the total taxable wages for the four calendar quarters ending the preceding June 30, as computed under Section 204.062(c), Labor Code, the executive director shall immediately transfer the excess from

the fund to the Unemployment Compensation Fund created under Section 203.021, Labor Code.

Amendment No. 4 was adopted without objection.

Amendment No. 3, as amended, was adopted without objection.

Amendment No. 5

Representative Seaman offered the following amendment to **CSHB 3452**:

Amend **CSHB 3452** as follows:

(1) On page 4, between lines 11 and 12, insert the following:

(d) All money raised by the corporation and appropriated by the legislature for the market Texas program is available to the Office of the Governor as discretionary funds that may be used by that office to promote economic development in this state.

(2) Reletter subsequent subsections of Section 481.024, Government Code, accordingly, and make corresponding changes to the recitation to SECTION 1.05 of the bill.

Amendment No. 5 was adopted without objection.

Amendment No. 6

Representative Solis offered the following amendment to **CSHB 3452**:

Amend **CSHB 3452** on page 25, between lines 9 and 10 by inserting the new Section 403.363 (b)(6) and renumbering the following subsections appropriately:

"(6) in cooperation with the Governor's Committee on People with Disabilities, Texas Department of Economic Development Office of Small Business, U.S. Small Business Administration, and Texas Council for Developmental Disabilities, business development services including technical assistance, workshops, training, and useful publications for people with disabilities;"

Amendment No. 6 was adopted without objection.

Amendment No. 7

Representative Homer offered the following amendment to **CSHB 3452**:

Amend **CSHB 3452** by adding the following appropriately numbered SECTIONS and renumbering subsequent SECTIONS appropriately:

SECTION _____. Section 481.161, Government Code, is amended to read as follows:

Sec. 481.161. EXPIRATION. This subchapter expires December 31, 2003 [2004].

SECTION _____. Section 204.123, Labor Code, is amended to read as follows:

Sec. 204.123. TRANSFER TO SMART JOBS FUND [FUNDS], SKILLS DEVELOPMENT FUND, AND COMPENSATION FUND. (a) If, on September 1 of a year, the commission determines that the amount in the compensation fund will exceed 100 percent of its floor as computed under

Section 204.061 on the next October 1 computation date, the commission shall transfer from the holding fund created under Section 204.122:

(1) 50 percent of the amount in the holding fund to the smart jobs fund created under Section 481.154(a), Government Code; and

(2) 50 ~~[30]~~ percent of the amount in the holding fund to the skills development fund created under Section 303.003~~[-; and~~

~~[(3) 20 percent of the amount in the holding fund to the smart jobs rainy day fund created under Section 481.154(d), Government Code].~~

(b) If, on September 1 of a year, the commission determines that the amount in the compensation fund will be at or below 100 percent of its floor as computed under Section 204.061 on the next October 1 computation date, the commission shall transfer to the compensation fund as much of the amount in the holding fund as is necessary to raise the amount in the compensation fund to 100 percent of its floor, up to and including the entire amount in the holding fund. The commission shall transfer any remaining balance in the holding fund to the smart jobs fund and~~[-; the skills development fund[-; and the smart jobs rainy day fund]~~ in the percentages prescribed by Subsection (a).

SECTION _____. Section 204.124, Labor Code, is amended to read as follows:

Sec. 204.124. EXPIRATION. This subchapter expires December 31, 2003 ~~[2001]~~.

Amendment No. 7 was withdrawn.

Amendment No. 8

Representative Coleman offered the following amendment to **CSHB 3452**:

Amend **CSHB 3452** by adding the following appropriately numbered SECTION to the bill and renumbering SECTIONS of the bill appropriately:

SECTION _____. Subchapter BB, Chapter 481, Government Code, is amended by adding Section 481.415 to read as follows:

Sec. 481.415. COMMUNITY INVESTMENT PROGRAM. (a) In this section:

(1) "Community development financial institution" has the meaning assigned by 12 U.S.C. Section 4702, as amended.

(2) "Community development investment" means a loan or grant made to a community development financial institution for the purpose of enhancing the provision of basic consumer financial services.

(3) "Community development loan" means a loan from a community development financial institution to a low-income business or nonprofit organization for the purpose of revitalizing a distressed community.

(4) "Eligible institution" means a community development financial institution meeting the minimum selection criteria described by 12 U.S.C. Section 4704, as amended.

(b) Notwithstanding any other law, the department shall establish a community investment program in which the department makes grants or interest-free loans, using money in the fund, to eligible institutions that use the money to make community development loans in distressed areas of the

state or to assist low-income areas by providing basic consumer financial services.

(c) The department shall determine the eligibility of an institution by verifying that the institution meets the minimum selection criteria described by 12 U.S.C. Section 4704, as amended. The department may set a limit on the number of eligible institutions that may participate in the community investment program. To participate in the community investment program, an eligible institution must enter into a participation agreement with the department that sets out the terms and conditions under which the department will make a grant or loan to the eligible institution.

(d) The department may make a grant to an institution or nonprofit organization to assist the institution or organization to:

(1) meet the minimum selection criteria described by 12 U.S.C. Section 4704, as amended, or to otherwise obtain assistance under 12 U.S.C. 4701 et seq., as amended; and

(2) become an eligible institution and participate in the community investment program.

(e) The department may make a grant to a nonprofit organization the department determines is performing activities consistent with the goals of this section to provide the organization operating support, technical assistance, and training assistance.

(f) The department shall adopt rules relating to the implementation of the community investment program and any other rules necessary to accomplish the purposes of this section.

(g) An eligible institution may file a grant or loan application with the department. The application must be in a form approved by the department and include a plan of investment that includes the type and number of community development loans or investments that the institution plans to make using money from the community investment program. The department shall act on a completed application not later than the 30th day after the date on which the application is filed with the department.

(h) All income received on a loan or investment made with money received under the community investment program is the property of the eligible institution that makes the loan or investment.

(i) Not later than the 30th day after the expiration of each six-month period for which there is a participation agreement in effect between the department and an eligible institution, the eligible institution shall submit a report to the department that states in detail the status of each investment or loan made under the community investment program. The report must be in a form prescribed by the department and must contain all information required by the department as part of the institution's participation agreement.

(j) The participation agreement entered into between the eligible institution and the department must provide for an annual audit. The department shall adopt rules relating to the format of the audit, including rules allowing not more than \$5,000 of the amount received by the eligible institution under the community investment program to be used to finance the audit.

Amendment No. 8 was adopted.

Amendment No. 9

Representative Luna offered the following amendment to **CSHB 3452**:

Amend **CSHB 3452** by striking SECTION 4.01 of the bill and substituting the following:

SECTION 4.01. This Act takes effect September 1, 2001, except that SECTION 1.17 takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution, and for the purposes of application of SECTION 1.17 only, the effective date of this Act is considered to be the date that SECTION 1.17 takes effect. If SECTION 1.17 does not receive the vote necessary for immediate effect, SECTION 1.17 takes effect September 1, 2001.

Amendment No. 9 was adopted.

CSHB 3452, as amended, was passed to engrossment.

**GENERAL STATE CALENDAR
HOUSE BILLS
THIRD READING**

The following bills were laid before the house and read third time:

HB 1761 ON THIRD READING

(by S. Turner, Chavez, Coleman, Dutton, Yarbrough, et al.)

HB 1761, A bill to be entitled An Act relating to the right of an employee to time off from work to meet with certain persons affecting the education of the employee's child.

Amendment No. 1

Representative Wohlgemuth offered the following amendment to **HB 1761**:

Amend **HB 1761**, on third reading, as follows:

(1) On page 2, line 10, strike "24" and substitute "48".

(2) On page 2, line 11, after "is to begin.", insert "The written notice required under this subsection must include a statement of the approximate amount of time needed for the meeting with the teacher, counselor, or principal."

Amendment No. 1 was adopted without objection.

HB 1761, as amended, was passed. (Corte and Heflin recorded voting no)

HB 1082 ON THIRD READING

(by Thompson, Hamric, Rangel, Y. Davis, Hawley, et al.)

HB 1082, A bill to be entitled An Act relating to a prohibition on employment discrimination in compensation; providing penalties.

Amendment No. 1

Representative Homer offered the following amendment to **HB 1082**:

Amend **HB 1082**, second reading engrossment, on page 4, line 25, by inserting the following after "months":

For purposes of this subsection, an employees pay stub constitutes a sufficient written statement if the pay stub includes the employee's job title and wage rate.

Amendment No. 1 was adopted without objection.

HB 1082, as amended, was passed. (Corte recorded voting no)

HB 2306 ON THIRD READING
(by Chisum)

HB 2306, A bill to be entitled An Act relating to the extension of residence homestead ad valorem tax exemptions and protection from forced sale to a homestead owned by a family-owned business.

HB 2306 was passed.

HB 2518 ON THIRD READING
(by Kuempel)

HB 2518, A bill to be entitled An Act relating to the issuance of certain permits for the emission of air contaminants.

HB 2518 was passed.

HB 154 ON THIRD READING
(by Thompson, Chavez, et al.)

HB 154, A bill to be entitled An Act relating to the personal needs allowance for certain Medicaid recipients who are residents of long-term care facilities.

HB 154 was passed.

HB 539 ON THIRD READING
(by Thompson)

HB 539, A bill to be entitled An Act relating to arts, entertainment, advertisement, and sports contracts entered into by minors.

HB 539 was passed.

HB 674 ON THIRD READING
(by Elkins and Solis)

HB 674, A bill to be entitled An Act relating to stopping, standing, or parking a vehicle on a sidewalk.

HB 674 was passed.

HB 2168 ON THIRD READING
(by Uher)

HB 2168, A bill to be entitled An Act relating to granting a property owner in a partition proceeding an access easement in certain circumstances.

Amendment No. 1

Representative Uher offered the following amendment to **HB 2168**:

Amend **HB 2168** on third reading as follows:

(1) In SECTION 1 of the bill, in added Section 23.006, Property Code, add a new Subsection (b) to read as follows:

(b) Unless waived by the parties in writing in a private partition agreement, the property owner of a partitioned tract that has a means of access through a public road or an existing easement appurtenant to the tract shall grant in the private partition agreement a nonexclusive access easement on the owner's partitioned tract for the purpose of providing reasonable ingress to and egress from an adjoining partitioned tract that does not have a means of access through a public road or an existing easement appurtenant to the tract.

(2) In SECTION 1 of the bill, in added Section 23.006(b), Property Code, strike "more than 20 feet in width" and substitute "a width greater than a width prescribed by a municipality or county for a right-of-way on a street or road".

(3) In SECTION 1 of the bill, in added Section 23.006, Property Code, reletter existing Subsection (b) and subsequent subsections accordingly.

Amendment No. 1 was adopted without objection.

HB 2168, as amended, was passed.

HB 2119 ON THIRD READING
(by Haggerty)

HB 2119, A bill to be entitled An Act relating to the authorization and regulation of progressive bingo games.

A record vote was requested.

HB 2119 was passed by (Record 332): 92 Yeas, 52 Nays, 1 Present, not voting.

Yeas — Alexander; Bailey; Brimer; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Coleman; Cook; Counts; Danburg; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Gallego; Garcia; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hawley; Hinojosa; Hochberg; Hodge; Homer; Hupp; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; King, T.; Kitchen; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Martinez Fischer; Maxey; McClendon; McReynolds; Menendez; Merritt; Moreno, J.; Moreno, P.; Naishtat; Najera; Noriega; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Ritter; Sadler; Salinas; Solis; Telford; Thompson; Tillery; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Wilson; Wise; Wolens; Yarbrough; Zbranek.

Nays — Allen; Averitt; Berman; Bonnen; Brown, B.; Brown, F.; Christian; Clark; Corte; Crabb; Craddick; Crownover; Davis, J.; Delisi; Denny; Driver; George; Geren; Hamric; Hardcastle; Hartnett; Heflin; Hilderbran; Hill; Hope;

Hopson; Howard; Hunter; Isett; Janek; King, P.; Kolkhorst; Krusee; Madden; Marchant; McCall; Miller; Morrison; Mowery; Nixon; Reyna, E.; Seaman; Shields; Smith; Smithee; Solomons; Swinford; Talton; Truitt; Williams; Wohlgemuth; Woolley.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hilbert.

Absent — Bosse; Flores; Keffer; Oliveira.

HB 2763 ON THIRD READING
(by Solis and Clark)

HB 2763, A bill to be entitled An Act relating to federal matching funds for certain child care services funded by a local workforce development board.

A record vote was requested.

HB 2763 was passed by (Record 333): 146 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hilbert.

Absent — Flores; Haggerty.

HB 2260 ON THIRD READING
(by Danburg)

HB 2260, A bill to be entitled An Act relating to accommodations and work assignments for certain pregnant municipal and county employees.

HB 2260 was passed. (Craddick, Heflin, and Shields recorded voting no)

HB 2606 ON THIRD READING**(by Alexander, et al.)**

HB 2606, A bill to be entitled An Act relating to crew requirements for certain railroads.

Amendment No. 1

Representative Craddick offered the following amendment to **HB 2606**:

Amend **HB 2606** on third reading as follows:

(1) On page 2, line 7, between "article" and the period, insert ", except that the number of crew persons in the cab of a locomotive may not exceed five".

(2) On page 2, line 15, between "law" and the period, insert ", regulation, or court decision".

Amendment No. 1 was adopted without objection.

A record vote was requested.

HB 2606, as amended, was passed by (Record 334): 97 Yeas, 47 Nays, 1 Present, not voting.

Yeas — Alexander; Bailey; Bosse; Brimer; Burnam; Capelo; Carter; Chavez; Chisum; Clark; Coleman; Cook; Counts; Danburg; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Gallego; Garcia; Geren; Giddings; Glaze; Goodman; Gray; Gutierrez; Haggerty; Hardcastle; Hartnett; Hawley; Hilderbran; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Jones, D.; Jones, J.; Junell; Kitchen; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Moreno, J.; Moreno, P.; Morrison; Naishtat; Najera; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Shields; Smithee; Solis; Swinford; Telford; Thompson; Tillery; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Wilson; Wise; Yarbrough; Zbranek.

Nays — Allen; Averitt; Berman; Bonnen; Brown, B.; Brown, F.; Callegari; Christian; Corte; Crabb; Craddick; Crownover; Davis, J.; Delisi; Denny; Driver; George; Goolsby; Green; Hamric; Heflin; Hill; Howard; Hunter; Hupp; Isett; Janek; Jones, E.; Keel; Keffer; King, P.; King, T.; Kolkhorst; Krusee; Merritt; Miller; Mowery; Nixon; Seaman; Smith; Solomons; Talton; Truitt; Williams; Wohlgemuth; Wolens; Woolley.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hilbert.

Absent — Farrar; Flores; Grusendorf; Marchant.

STATEMENT OF VOTE

I was shown voting no on Record No. 334. I intended to vote present, not voting.

Crabb

HB 2365 ON THIRD READING
(by Williams, G. Lewis, Thompson, and Coleman)

HB 2365, A bill to be entitled An Act relating to funding to enable Prairie View A&M University to qualify for agricultural research, extension, and education matching funds, including federal agricultural research and extension formula funds.

A record vote was requested.

HB 2365 was passed by (Record 335): 147 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Sadler; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hilbert.

Absent — Ritter.

HB 43 ON THIRD READING
(by McClendon and Naishtat)

HB 43, A bill to be entitled An Act relating to the consideration of income earned by certain recipients of Temporary Assistance for Needy Families benefits for eligibility determination purposes.

HB 43 was passed. (Allen, Bonnen, B. Brown, Callegari, Carter, Christian, Corte, Craddick, Crownover, Delisi, Denny, Driver, Elkins, Hope, Howard, Isett, Janek, Kuempel, Madden, Marchant, Merritt, Miller, Nixon, Ramsay, E. Reyna, Seaman, Talton, Williams, Wohlgemuth, and Woolley recorded voting no)

HB 45 ON THIRD READING
(by McClendon, et al.)

HB 45, A bill to be entitled An Act relating to a mile-based rating plan for motor vehicle insurance.

HB 45 was passed. (Clark recorded voting no)

HB 287 ON THIRD READING**(by P. King and Hodge)**

HB 287, A bill to be entitled An Act relating to creating the criminal offense of providing a cigarette or tobacco product to an inmate of the Texas Department of Criminal Justice.

HB 287 was passed.

HB 503 ON THIRD READING**(by Pickett, Driver, and Gutierrez)**

HB 503, A bill to be entitled An Act relating to allowing certain peace officers to enforce commercial motor vehicle safety standards.

A record vote was requested.

HB 503 was passed by (Record 336): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hilbert.

Absent — Averitt; Chavez; Jones, D.

STATEMENTS OF VOTE

When Record No. 336 was taken, I was in the house but away from my desk. I would have voted yes.

Averitt

When Record No. 336 was taken, I was in the house but away from my desk. I would have voted yes.

Chavez

HB 563 ON THIRD READING
(by Madden and Hochberg)

HB 563, A bill to be entitled An Act relating to certain practices and procedures involved with a polling place used in an election.

HB 563 was passed.

HB 568 ON THIRD READING
(by Gallego)

HB 568, A bill to be entitled An Act relating to annual vacation leave accrual for state employees.

HB 568 was passed.

HB 1610 ON THIRD READING
(by Averitt, et al.)

HB 1610, A bill to be entitled An Act relating to data on mandated health benefits and mandated offers of coverage that must be collected and reported by health benefit plan issuers.

HB 1610 was passed.

HB 588 ON THIRD READING
(by Garcia and Allen)

HB 588, A bill to be entitled An Act relating to the creation of a DNA record for certain persons convicted of a felony or adjudicated as having engaged in delinquent conduct constituting a felony offense.

HB 588 was passed.

HB 779 ON THIRD READING
(by Uher)

HB 779, A bill to be entitled An Act relating to the establishment of a line of vegetation along the Gulf of Mexico in certain areas of public beach.

HB 779 was passed.

HB 1051 ON THIRD READING
(by Goodman)

HB 1051, A bill to be entitled An Act relating to the award of attorney's fees and costs in an action against a fraudulent transfer.

HB 1051 was passed.

HB 1143 ON THIRD READING
(by Grusendorf, Burnam, Hope, Averitt, and Miller)

HB 1143, A bill to be entitled An Act relating to public school teachers.

Amendment No. 1

Representative Ehrhardt offered the following amendment to **HB 1143**:

Amend **HB 1143** on page 3, between lines 10 and 11, by inserting the

following appropriately numbered SECTION and renumbering the subsequent SECTIONS accordingly:

SECTION __. Subchapter B, Chapter 21, Education Code, is amended by adding Section 21.058 to read as follows:

Sec. 21.058. ASSIGNMENT OF CERTAIN INDIVIDUALS AS TEACHERS PROHIBITED. (a) A school district may not assign an individual to teach in the same classroom for more than 30 consecutive instructional days during the same school year unless the individual holds at least a bachelor's degree.

(b) Notwithstanding Subsection (a), a school district may not assign an individual to teach in the same classroom for more than 30 consecutive instructional days during the same school year if the individual has taken an examination prescribed under Section 21.048 and failed to perform satisfactorily on the examination.

Representative Hardcastle raised a point of order against further consideration of Amendment No. 1 under Rule 11, Section 3, of the House Rules and Article III, Section 30, of the Texas Constitution on the grounds that the amendment would change the original purpose of the bill.

The speaker sustained the point of order.

The ruling precluded further consideration of the amendment.

A record vote was requested.

HB 1143 was passed by (Record 337): 79 Yeas, 64 Nays, 3 Present, not voting.

Yeas — Alexander; Allen; Averitt; Berman; Bonnen; Brimer; Brown, B.; Callegari; Carter; Chavez; Chisum; Christian; Clark; Corte; Counts; Crabb; Craddick; Crownover; Davis, J.; Delisi; Denny; Driver; Dukes; Elkins; Farabee; Garcia; George; Geren; Goodman; Goolsby; Green; Grusendorf; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hill; Hochberg; Homer; Hope; Howard; Hupp; Isett; Janek; Jones, D.; Jones, E.; Junell; Keffer; King, P.; King, T.; Kolkhorst; Krusee; Lewis, R.; Madden; Marchant; McCall; Miller; Morrison; Mowery; Nixon; Pitts; Ramsay; Rangel; Reyna, E.; Sadler; Seaman; Smith; Smithee; Solomons; Swinford; Talton; Truitt; Walker; West; Williams; Wohlgemuth; Woolley.

Nays — Bailey; Bosse; Brown, F.; Capelo; Coleman; Cook; Davis, Y.; Deshotel; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Ellis; Farrar; Flores; Gallego; Giddings; Glaze; Gutierrez; Hilderbran; Hinojosa; Hodge; Hopson; Hunter; Jones, J.; Keel; Kitchen; Kuempel; Lewis, G.; Longoria; Luna; Martinez Fischer; Maxey; McClendon; McReynolds; Menendez; Merritt; Moreno, J.; Moreno, P.; Naishtat; Najera; Noriega; Oliveira; Olivo; Pickett; Puente; Raymond; Ritter; Salinas; Shields; Solis; Thompson; Tillery; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Wilson; Wise; Wolens; Yarbrough; Zbraneck.

Present, not voting — Mr. Speaker(C); Burnam; Reyna, A.

Absent, Excused — Hilbert.

Absent — Danburg; Gray; Telford.

STATEMENTS OF VOTE

When Record No. 337 was taken, I was temporarily out of the house chamber. I would have voted yes.

Gray

I was shown voting yes on Record No. 337. I intended to vote no.

Rangel

HB 1144 ON THIRD READING (by Grusendorf, Burnam, Hope, Averitt, Miller)

HB 1144, A bill to be entitled An Act relating to public school accountability.

Amendment No. 1

Representative Dutton offered the following amendment to **HB 1144**:

Amend **HB 1144** on third reading as follows:

(1) On page 1, between lines 16 and 17, insert the following new SECTIONS, appropriately numbered:

SECTION __. Subchapter B, Chapter 21, Education Code, is amended by adding Section 21.0482 to read as follows:

Sec. 21.0482. MASTER MATHEMATICS TEACHER CERTIFICATION.

(a) To ensure that there are teachers with special training to work with other teachers and with students in order to improve student mathematics performance, the board shall establish:

(1) a master mathematics teacher certificate to teach mathematics at elementary school grade levels;

(2) a master mathematics teacher certificate to teach mathematics at middle school grade levels; and

(3) a master mathematics teacher certificate to teach mathematics at high school grade levels.

(b) The board shall issue the appropriate master mathematics teacher certificate to each eligible person.

(c) To be eligible for a master mathematics teacher certificate, a person must:

(1) hold a teaching certificate issued under this subchapter;

(2) have at least three years of teaching experience;

(3) satisfactorily complete a knowledge-based course of instruction on the science of teaching children mathematics that includes training in mathematics instruction and professional peer mentoring techniques that, through scientific testing, have been proven effective;

(4) perform satisfactorily on the appropriate master mathematics teacher certification examination prescribed by the board; and

(5) satisfy any other requirements prescribed by the board.

(d) The course of instruction prescribed under Subsection (c)(3) shall be developed by the board in consultation with mathematics and science faculty members at institutions of higher education.

SECTION __. Subchapter I, Chapter 21, Education Code, is amended by adding Section 21.411 to read as follows:

Sec. 21.411. MASTER MATHEMATICS TEACHER GRANT PROGRAM.

(a) The commissioner shall establish a master mathematics teacher grant program to encourage teachers to:

(1) become certified as master mathematics teachers; and

(2) work with other teachers and with students in order to improve student mathematics performance.

(b) From funds appropriated for the purpose, the commissioner shall make grants to school districts as provided by this section to pay stipends to selected certified master mathematics teachers who teach at high-need campuses.

(c) The commissioner shall annually identify each high-need campus in a school district using criteria established by the commissioner by rule, including performance on the mathematics assessment instrument administered under Section 39.023. The commissioner shall also use the criteria to rank campuses in order of greatest need.

(d) A school district may apply to the commissioner for grants for each high-need campus identified by the commissioner to be used to pay stipends to certified master mathematics teachers in accordance with this section. Unless reduced under Subsection (g) or (i), each grant is in the amount of \$5,000. The commissioner shall approve the application if the district:

(1) applies within the period and in the manner required by rule adopted by the commissioner; and

(2) agrees to use each grant only for the purpose of paying a year-end stipend to a master mathematics teacher:

(A) who holds the appropriate certificate issued under Section 21.0482;

(B) who teaches in a position prescribed by the district at a high-need campus identified by the commissioner;

(C) whose primary duties include:

(i) teaching mathematics; and

(ii) serving as a mathematics teaching mentor to other teachers for the amount of time and in the manner established by the district and by rule adopted by the commissioner; and

(D) who satisfies any other requirements established by rule adopted by the commissioner.

(e) Unless reduced under Subsection (g) or (i), a stipend under Subsection (d)(2) is in the amount of \$5,000.

(f) The commissioner shall adopt rules for the distribution of grants to school districts following the year of the initial grant. A district that has been approved for a grant to pay a stipend to a certified master mathematics teacher is not required to reapply for a grant for two consecutive school years following the year of the initial grant if the district:

(1) continues to pay a stipend as provided by Subsection (g); and

(2) notifies the commissioner in writing, within the period and in the manner prescribed by the commissioner, that the circumstances on which the grant was based have not changed.

(g) The commissioner shall reduce payments to a school district proportionately to the extent a teacher does not meet the requirements under Subsection (d)(2) for the entire school year. A district that employs more

certified master mathematics teachers than the number of grants available under this section shall select the certified master mathematics teachers to whom to pay stipends based on a policy adopted by the board of trustees of the district, except that a district shall pay a stipend for two additional consecutive school years to a teacher the district has selected for and paid a stipend for a school year, who remains eligible for a stipend under Subsection (d)(2), and for whom the district receives a grant under this section for those years. A decision of the district under this subsection is final and may not be appealed. The district may not apportion among teachers a stipend paid for with a grant the district receives under this section. The district may use local money to pay additional stipends in amounts determined by the district.

(h) A grant a school district receives under this section is in addition to any funding the district receives under Chapter 42. The commissioner shall distribute funds under this section with the Foundation School Program payment to which the district is entitled as soon as practicable after the end of the school year as determined by the commissioner. A district to which Chapter 41 applies is entitled to the grants paid under this section. The commissioner shall determine the timing of the distribution of grants to a district that does not receive Foundation School Program payments.

(i) This section does not create a property right to a grant or stipend. A school district is entitled to a grant to carry out the purposes of this section only to the extent the commissioner makes the grant in accordance with this section and only to the extent sufficient state funds are appropriated for those purposes. If state funds are appropriated but are insufficient to fully fund a grant, the commissioner shall reduce the grant paid to each district and the district shall reduce the stipend the district pays to each teacher under this section proportionately so that each selected teacher receives the same amount of money.

(j) A decision of the commissioner concerning the amount of money to which a school district is entitled under this section is final and may not be appealed. Each district shall, in the manner and at the time prescribed by the commissioner, provide to the commissioner proof acceptable to the commissioner of the master mathematics teacher certification of a teacher to whom the district is paying a stipend under this section.

(k) The commissioner may audit the expenditure of money appropriated for purposes of this section. A district's use of the money appropriated for purposes of this section shall be verified as part of the district audit under Section 44.008.

(l) A stipend a teacher receives under this section is not considered in determining whether the district is paying the teacher the minimum monthly salary under Section 21.402.

(m) The commissioner may adopt other rules as necessary to implement this section.

SECTION __. Subchapter J, Chapter 21, Education Code, is amended by adding Sections 21.454 and 21.455 to read as follows:

Sec. 21.454. MATHEMATICS TRAINING. (a) The commissioner shall develop training materials and other teacher training resources for a school district to use in assisting mathematics teachers in developing:

(1) expertise in the appropriate mathematics curriculum; and
(2) comprehension of the instructional approaches that, through scientific testing, have been proven effective in improving student mathematics skills.

(b) The commissioner shall develop materials and resources under this section in consultation with appropriate faculty members at institutions of higher education.

(c) The commissioner shall make the training materials and other teacher training resources required under Subsection (a) available to mathematics teachers through a variety of mechanisms, including distance learning, mentoring programs, small group inquiries, computer-assisted training, and mechanisms based on trainer-of-trainer models.

(d) The commissioner shall use funds appropriated for the purpose to administer this section.

Sec. 21.455. PROFESSIONAL DEVELOPMENT INSTITUTES IN MATHEMATICS. (a) The commissioner shall develop and make available professional development institutes for teachers who provide instruction in mathematics to students at the fifth through eighth grade levels.

(b) A professional development institute developed under this section must address:

(1) the underlying mathematical skills required to be taught at the relevant grade levels; and

(2) mathematical instruction techniques that, through scientific testing, have been proven effective.

(c) The commissioner shall develop professional development institutes under this section in consultation with mathematics and science faculty members at institutions of higher education.

(d) The commissioner shall adopt criteria for selection of teachers authorized to attend a professional development institute developed under this section.

(e) From funds appropriated for the purpose, the commissioner shall pay a stipend to each teacher who completes a professional development institute developed under this section. The commissioner shall determine the amount of the stipend paid under this subsection.

SECTION __. Subchapter C, Chapter 7, Education Code, is amended by adding Sections 7.058 and 7.059 to read as follows:

Sec. 7.058. RESEARCH ON MATHEMATICS SKILLS ACQUISITION AND PROGRAM EFFECTIVENESS. From funds appropriated for the purpose, the commissioner shall award to one or more institutions that have demonstrated an ability to conduct science-based research on effective instructional strategies that improve student performance in mathematics a grant to be used to:

(1) develop and identify research on mathematics skills acquisition and student learning in mathematics;

(2) monitor the effectiveness of professional development institutes under Section 21.455 based on performance in mathematics by the students of teachers who have attended an institute;

(3) examine the effect of professional development institutes on the classroom performance of teachers who have attended an institute;

(4) identify common practices used at high-performing school campuses that lead to improved student performance in mathematics; and

(5) develop research on cognitive development in children concerning mathematics skills development.

Sec. 7.059. MATHEMATICS HOMEWORK AND GRADING SERVICE.

(a) From funds appropriated for the purpose, the commissioner shall develop and make available a service that assists teachers in providing and grading mathematics homework assignments. The service may also assist teachers in providing and grading student examinations.

(b) In making the service described by Subsection (a) available, the commissioner shall consider all methods available through advanced technology, especially methods using the Internet, to distribute mathematics homework assignments and to provide immediate assessment of a student's work on the assignment.

(c) Each homework assignment developed for the service:

(1) must be created with consideration for the underlying mathematical skills required to be taught at the grade level for which the assignment is designed;

(2) must be based on a step-by-step procedure for solving mathematical problems provided by the assignment that may be adapted to individual student and instructor needs;

(3) must be accompanied by a solution to each mathematical problem assigned; and

(4) may be accompanied by other pedagogically valuable material appropriate for a particular student.

SECTION __. Subchapter A, Chapter 28, Education Code, is amended by adding Section 28.007 to read as follows:

Sec. 28.007. MATHEMATICS DIAGNOSIS. (a) Using funds appropriated for the purpose, the commissioner shall develop and make available or contract for the development and dissemination of assessment instruments that a school district may use to diagnose student mathematics skills. In developing the assessment instruments, all assessment methods available through advanced technology, including methods using the Internet or other computer resources to provide immediate assessment of a student's skills shall be considered.

(b) The results of assessment instruments developed under Subsection (a) may not be used for purposes of appraisals and incentives under Chapter 21 or accountability under Chapter 39.

SECTION __. Subchapter C, Chapter 29, Education Code, is amended by adding Section 29.087 to read as follows:

Sec. 29.087. AFTER-SCHOOL AND SUMMER INTENSIVE MATHEMATICS INSTRUCTION PROGRAMS. (a) A school district may provide an intensive after-school program or an intensive program during the period that school is recessed for the summer to provide mathematics instruction to:

(1) students who are not performing at grade level in mathematics to assist those students in performing at grade level;

(2) students who are not performing successfully in a mathematics course to assist those students in successfully completing the course; or

(3) students other than those described by Subdivision (1) or (2), as determined by the district.

(b) Before providing a program under this section, the board of trustees of a school district must adopt a policy for:

(1) determining student eligibility for participating in the program that:

(A) prescribes the grade level or course a student must be enrolled in to be eligible; and

(B) provides for considering teacher recommendations in determining eligibility;

(2) ensuring that parents of or persons standing in parental relation to eligible students are provided notice of the program;

(3) ensuring that eligible students are encouraged to attend the program;

(4) ensuring that the program is offered at one or more locations in the district that are easily accessible to eligible students; and

(5) measuring student progress on completion of the program.

(c) The commissioner by rule shall:

(1) prescribe a procedure that a school district must follow to apply for and receive funding for a program under this section;

(2) adopt guidelines for determining which districts receive funding if there is not sufficient funding for each district that applies;

(3) require each district providing a program to report student performance results to the commissioner within the period and in the manner prescribed by the rule; and

(4) based on district reports under Subdivision (3) and any required analysis and verification of those reports, disseminate to each district in this state information concerning instructional methods that have proved successful in improving student performance in mathematics.

(d) A program provided under this section shall be paid for with funds appropriated for that purpose.

(2) On page 6, between lines 9 and 10, insert the following new SECTIONS, appropriately numbered:

SECTION __. Section 822.201(b), Government Code, is amended to read as follows:

(b) "Salary and wages" as used in Subsection (a) means:

(1) normal periodic payments of money for service the right to which accrues on a regular basis in proportion to the service performed;

(2) amounts by which the member's salary is reduced under a salary reduction agreement authorized by Chapter 610;

(3) amounts that would otherwise qualify as salary and wages under Subdivision (1) but are not received directly by the member pursuant to a good faith, voluntary written salary reduction agreement in order to finance payments to a deferred compensation or tax sheltered annuity program specifically authorized by state law or to finance benefit options under a cafeteria plan qualifying under Section 125 of the Internal Revenue Code of 1986 [(26 U.S.C. Section 125)], if:

(A) the program or benefit options are made available to all employees of the employer; and

(B) the benefit options in the cafeteria plan are limited to one or more options that provide deferred compensation, group health and disability insurance, group term life insurance, dependent care assistance programs, or group legal services plans;

(4) performance pay awarded to an employee by a school district as part of a total compensation plan approved by the board of trustees of the district and meeting the requirements of Subsection (e); [and]

(5) the benefit replacement pay a person earns under Subchapter H, Chapter 659, as added by Chapter 417, Acts of the 74th Legislature, 1995, except as provided by Subsection (c); and

(6) stipends paid to teachers in accordance with Section 21.410 or 21.411, Education Code.

SECTION __. (a) The State Board for Educator Certification shall propose rules establishing requirements and prescribing an examination for master mathematics teacher certification as required by Section 21.0482, Education Code, as added by this Act, not later than January 1, 2003.

(b) Beginning with the 2003-2004 school year:

(1) the commissioner of education shall pay grants under Section 21.411, Education Code, as added by this Act; and

(2) school districts receiving grants shall pay stipends to certified master mathematics teachers under Section 21.411, Education Code, as added by this Act.

(3) Renumber SECTIONS of the bill appropriately.

Amendment No. 1 was adopted without objection.

HB 1144, as amended, was passed.

HB 3184 ON THIRD READING **(by Danburg)**

HB 3184, A bill to be entitled An Act relating to the contents of an application for an exemption from ad valorem taxation.

HB 3184 was passed.

HB 1317 ON THIRD READING **(by Farabee and Clark)**

HB 1317, A bill to be entitled An Act relating to financial security requirements for certain oil well operators.

A record vote was requested.

HB 1317 was passed by (Record 338): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Elkins; Ellis; Farabee; Farrar;

Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hilbert.

Absent — Chavez; Ehrhardt; Flores; Grusendorf.

HB 1359 ON THIRD READING
(by Villarreal and Rangel)

HB 1359, A bill to be entitled An Act relating to the transfer of course credit between public institutions of higher education.

Amendment No. 1

Representatives Villarreal offered the following amendment to **HB 1359**:

Amend **HB 1359** on third reading as follows:

(1) On page 2, line 22, after the period, add "In the guidelines, the institution must identify a course by using any common course numbering system adopted by the board.".

(2) On page 2, lines 23-26, strike added Section 61.831 and renumber subsequent sections in SECTION 2 of the bill accordingly.

Amendment No. 1 was adopted without objection.

HB 1359, as amended, was passed.

HB 1450 ON THIRD READING
(by Tillery)

HB 1450, A bill to be entitled An Act relating to the investigation of a firefighter fatality by the state fire marshal.

HB 1450 was passed.

HB 1451 ON THIRD READING
(by Dunnam and Solomons)

HB 1451, A bill to be entitled An Act relating to oversight of and public access to the supreme court and the court of criminal appeals.

HB 1451 was passed.

HB 1537 ON THIRD READING
(by Coleman, Kitchen, Oliveira, Wise and Chavez)

HB 1537, A bill to be entitled An Act relating to a study and a pilot program regarding the provision of medical assistance and certain health benefits plan coverage for children of migrant or seasonal agricultural workers.

A record vote was requested.

The vote of the house was taken on **HB 1537** and the vote was announced yeas 73, nays 69.

A verification of the vote was requested and was granted.

The roll of those voting yea and nay was again called and the verified vote resulted, as follows (Record 339): 73 Yeas, 68 Nays, 1 Present, not voting.

Yeas — Alexander; Bailey; Bosse; Brown, F.; Capelo; Chavez; Counts; Danburg; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; Giddings; Glaze; Gray; Gutierrez; Haggerty; Hawley; Hinojosa; Hochberg; Hodge; Homer; Hopson; Hunter; Jones, J.; King, T.; Kitchen; Lewis, G.; Lewis, R.; Longoria; Luna; Maxey; McClendon; McReynolds; Menendez; Moreno, J.; Moreno, P.; Naishtat; Najera; Noriega; Oliveira; Olivo; Pickett; Puente; Rangel; Raymond; Reyna, A.; Ritter; Sadler; Salinas; Solis; Thompson; Tillery; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Wilson; Wise; Wolens; Yarbrough; Zbranek.

Nays — Allen; Averitt; Berman; Bonnen; Brimer; Brown, B.; Callegari; Carter; Chisum; Christian; Clark; Cook; Corte; Crabb; Craddick; Crownover; Davis, J.; Delisi; Denny; Driver; Elkins; George; Geren; Goodman; Goolsby; Green; Grusendorf; Hamric; Hardcastle; Hartnett; Heflin; Hilderbran; Hill; Hope; Howard; Isett; Janek; Jones, D.; Jones, E.; Keel; Keffer; King, P.; Kolkhorst; Krusee; Kuempel; Madden; Marchant; McCall; Merritt; Miller; Morrison; Mowery; Nixon; Pitts; Reyna, E.; Seaman; Shields; Smith; Smithee; Solomons; Swinford; Talton; Truitt; Walker; West; Williams; Wohlgemuth; Woolley.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hilbert.

Absent — Burnam; Coleman; Hupp; Junell; Martinez Fischer; Ramsay; Telford.

The speaker stated that **HB 1537** was passed by the above vote.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 339. I intended to vote no.

F. Brown

When Record No. 339 was taken, I was in the house but away from my desk. I would have voted yes.

Burnam

When Record No. 339 was taken, my vote failed to register. I would have voted yes.

Martinez Fischer

HB 1560 ON THIRD READING
(by Chavez, et al.)

HB 1560, A bill to be entitled An Act relating to the use of gender-neutral terminology in publications of the office of the attorney general.

HB 1560 was passed. (Berman, Bonnen, F. Brown, Christian, Craddick, Delisi, Denny, Driver, Heflin, Hope, Howard, Isett, Keffer, Kolkhorst, Kuempel, Madden, Merritt, Miller, Nixon, Ramsay, E. Reyna, Seaman, Shields, Williams, Wohlgemuth, and Woolley recorded voting no)

HB 1890 ON THIRD READING
(by G. Lewis)

HB 1890, A bill to be entitled An Act relating to control of contracts and funds of a commissary for the county jail of certain counties.

HB 1890 was passed.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of illness:

Hupp on motion of Delisi.

HB 1585 ON THIRD READING
(by Gallego, Hinojosa, Haggerty, Menendez)

HB 1585, A bill to be entitled An Act relating to the completion of a sentence in a felony after revocation of parole, mandatory supervision, or conditional pardon.

HB 1585 was passed. (F. Brown, Craddick, Delisi, Driver, Kolkhorst, Kuempel, Merritt, Nixon, Ramsay, Shields, and Woolley recorded voting no)

HB 2323 ON THIRD READING
(by Gallego)

HB 2323, A bill to be entitled An Act relating to repayment assistance for certain law school loans of persons providing legal services to the indigent.

HB 2323 was passed. (F. Brown, Carter, Corte, Craddick, Driver, Heflin, Kolkhorst, Kuempel, Merritt, Nixon, Ramsay, Shields, and Talton recorded voting no)

HB 1649 ON THIRD READING
(by Gallego, Hinojosa, and Menendez)

HB 1649, A bill to be entitled An Act relating to the organization and duties of the Board of Pardons and Paroles and the consequences of the revocation of parole or mandatory supervision.

HB 1649 was passed.

HB 1689 ON THIRD READING**(by Chisum, Counts, Hope, S. Turner, and Hawley)**

HB 1689, A bill to be entitled An Act relating to an exemption from ad valorem taxation for certain organizations engaged primarily in performing charitable functions.

HB 1689 was passed.

HB 1694 ON THIRD READING**(by Hamric, Hill, Y. Davis, B. Turner, Allen, et al.)**

HB 1694, A bill to be entitled An Act relating to the exemption from ad valorem taxation of motor vehicles leased for personal use.

HB 1694 was passed.

HB 1831 ON THIRD READING**(by Pickett)**

HB 1831, A bill to be entitled An Act relating to the general power of the Texas Department of Transportation to contract.

A record vote was requested.

HB 1831 was passed by (Record 340): 146 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hilbert; Hupp.

Absent — Eiland.

HB 2827 ON THIRD READING**(by Smithee)**

HB 2827, A bill to be entitled An Act relating to consumer disclosures

required to be made by health maintenance organizations and insurers who provide preferred provider plans.

HB 2827 was passed.

HB 1913 ON THIRD READING
(by Capelo)

HB 1913, A bill to be entitled An Act relating to termination of certain contracts by a preferred provider organization or health maintenance organization.

A record vote was requested.

HB 1913 was passed by (Record 341): 143 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Shields; Smith; Smithee; Solis; Solomons; Swinford; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Nay — Seaman.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hilbert; Hupp.

Absent — Bosse; Eiland; Talton.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 341. I intended to vote no.

Carter

I intended to vote no on Record No. 341.

Talton

HB 1315 ON THIRD READING**(by Hopson)**

HB 1315, A bill to be entitled An Act relating to the dismissal of a claim brought by an inmate.

HB 1315 was passed.

HB 1912 ON THIRD READING**(by Capelo, P. Moreno, and Coleman)**

HB 1912, A bill to be entitled An Act relating to the ability of a municipality to impose and use utility fees for certain disabled access improvements.

HB 1912 was passed. (Bonnen, F. Brown, Carter, Clark, Christian, Craddick, Delisi, Denny, Hope, Isett, Kolkhorst, Kuempel, Madden, Merritt, Miller, Ramsay, E. Reyna, Seaman, Shields, Talton, Williams, and Woolley recorded voting no)

HB 3073 ON THIRD READING**(by Chisum and B. Brown)**

HB 3073, A bill to be entitled An Act relating to petitions to increase salaries of members of the sheriff's department.

HB 3073 was passed.

GENERAL STATE CALENDAR**SENATE BILLS****THIRD READING**

The following bills were laid before the house and read third time:

SB 1304 ON THIRD READING**(Geren - House Sponsor)**

SB 1304, A bill to be entitled An Act relating to the creation of a missing persons DNA database at the University of North Texas Health Science Center at Fort Worth; providing a penalty.

Amendment No. 1

Representative Geren offered the following amendment to **SB 1304**:

Amend **SB 1304** on third reading to read as follows:

(1) On page 7, Line 13-14, between the words "on" and "to", strike "September 1, 2002," and substitute "September 1, 2001,".

(2) On page 7, Line 19, between the words "in" and "The", strike "2004." and substitute "2002.".

(3) On page 7, Line 23, after the word "effect", strike "September 1, 2002" and substitute "September 1, 2001".

Amendment No. 1 was adopted without objection.

SB 1304, as amended, was passed.

SB 34 ON THIRD READING
(Naishtat - House Sponsor)

SB 34, A bill to be entitled An Act relating to providing dental services to certain recipients of medical assistance.

SB 34 was passed.

SB 532 ON THIRD READING
(Maxey, Naishtat, Luna, Danburg, Villarreal, et al. - House Sponsors)

SB 532, A bill to be entitled An Act relating to medical assistance for certain persons in need of treatment for breast or cervical cancer.

SB 532 was passed.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business:

Corte on motion of Isett.

POSTPONED BUSINESS

The following bills were laid before the house as postponed business:

HB 3631 ON SECOND READING
(by S. Turner and Hochberg)

HB 3631, A bill to be entitled An Act relating to implementation of policies requiring successful performance on assessment instruments for advancement to certain grade levels in public schools.

HB 3631 was read second time on May 4, postponed until 2 p.m. yesterday, and was again postponed until this time.

Amendment No. 1

Representative S. Turner offered the following amendment to **HB 3631**:

Amend **HB 3631** as follows:

(1) On page 1, strike lines 6 and 7 and substitute the following:

SECTION 1. Section 28.0211, Education Code, is amended by amending Subsections (n) and (o) and adding Subsections (p) and (q) to read as follows:

(2) On page 1, between lines 17 and 18, insert the following:

(p) The admission, review, and dismissal committee of a student in third, fifth, or eighth grade who participates in a district's special education program under Subchapter B, Chapter 29, and who does not perform satisfactorily on an assessment instrument specified under Subsection (a) and administered under Section 39.023(a) or (b) shall determine the manner in which the student will participate in an accelerated instruction program under this section based on the schedule prescribed by this subsection for providing accelerated instruction to students who do not participate in a district's special education program. Notwithstanding Subsection (n), Subsections (b), (c), (f), (j), and (k) apply to students in:

(1) the third grade beginning with the 2002-2003 school year;

(2) the fifth grade beginning with the 2004-2005 school year; and
 (3) the eighth grade beginning with the 2007-2008 school year.
(q) Subsection (p) and this subsection expire September 1, 2008.

Amendment No. 1 was adopted without objection.

A record vote was requested.

HB 3631, as amended, was passed to engrossment by (Record 342): 106 Yeas, 37 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Bosse; Brimer; Brown, B.; Burnam; Capelo; Carter; Chavez; Chisum; Christian; Coleman; Cook; Counts; Danburg; Davis, J.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Gutierrez; Haggerty; Hardcastle; Hawley; Hinojosa; Hochberg; Hodge; Homer; Hopson; Janek; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer; King, T.; Kitchen; Kolkhorst; Krusee; Lewis, G.; Longoria; Luna; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Moreno, J.; Moreno, P.; Morrison; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Smithee; Solis; Swinford; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Wilson; Wise; Wolens; Yarbrough; Zbranek.

Nays — Berman; Bonnen; Brown, F.; Callegari; Clark; Crabb; Craddick; Crownover; Delisi; Denny; Driver; Elkins; George; Green; Grusendorf; Hamric; Hartnett; Heflin; Hill; Hope; Howard; Hunter; Isett; King, P.; Kuempel; Lewis, R.; Marchant; Miller; Mowery; Seaman; Shields; Smith; Solomons; Talton; Williams; Wohlgemuth; Woolley.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Corte; Hilbert; Hupp.

Absent — Hilderbran; Junell; Madden.

STATEMENTS OF VOTE

When Record No. 342 was taken, I was in the house but away from my desk. I would have voted no.

Hilderbran

When Record No. 342 was taken, I was in the house but away from my desk. I would have voted no.

Madden

HB 3175 ON SECOND READING

(by Solis)

HB 3175, A bill to be entitled An Act relating to the candidacy of certain personnel in a prosecuting attorney's office or a city attorney's office in an election for judicial office.

HB 3175 was read second time on May 1, postponed until May 7, postponed until earlier today, and was again postponed until this time.

(Sadler in the chair)

Amendment No. 1

Representative G. Lewis offered the following amendment to **HB 3175**:

Amend **HB 3175** as follows:

(1) On page 1, lines 8-9, strike "EMPLOYEES PROHIBITED FROM CANDIDACY FOR JUDICIAL OFFICE." and substitute "STATEMENT REQUIRED OF CERTAIN EMPLOYEES WHO ARE CANDIDATES FOR JUDICIAL OFFICE.".

(2) Strike page 1, line 21, through page 2, line 4, and substitute the following:

(b) An assistant prosecuting attorney, an investigator, or a secretary or other person employed as office personnel by a prosecuting attorney who becomes a candidate in an election for a judicial office while maintaining employment with the prosecuting attorney's office must file with the prosecuting attorney a certified statement executed by the person that the person will not:

(1) use government property in conducting the person's campaign;

(2) conduct political activity related to the person's campaign during work hours; or

(3) display campaign materials in the person's place of employment.

(3) On page 2, line 5, strike "(d)" and substitute "(c)".

(4) On page 2, lines 15-16, strike "CERTAIN MUNICIPAL EMPLOYEES PROHIBITED FROM CANDIDACY FOR JUDICIAL OFFICE." and substitute "STATEMENT REQUIRED OF CERTAIN MUNICIPAL EMPLOYEES WHO ARE CANDIDATES FOR JUDICIAL OFFICE.".

(5) Strike page 3, lines 1-6, and substitute the following:

(b) A paid employee of a city attorney's office who becomes a candidate in an election for a judicial office while maintaining employment with the city attorney's office must file with the city attorney a certified statement executed by the employee that the employee will not:

(1) use government property in conducting the employee's campaign;

(2) conduct political activity related to the employee's campaign during work hours; or

(3) display campaign materials in the employee's place of employment.

(6) On page 3, line 7, strike "(d)" and substitute "(c)".

Amendment No. 1 was adopted without objection.

A record vote was requested.

HB 3175, as amended, failed to pass to engrossment by (Record 343): 60 Yeas, 81 Nays, 2 Present, not voting.

Yeas — Alexander; Bailey; Burnam; Capelo; Chavez; Coleman; Cook; Counts; Danburg; Dukes; Dutton; Edwards; Ehrhardt; Ellis; Farrar; Flores;

Garcia; Giddings; Glaze; Gray; Gutierrez; Hinojosa; Hochberg; Hodge; Hopson; Jones, J.; King, T.; Kitchen; Lewis, G.; Lewis, R.; Longoria; Martinez Fischer; Maxey; McClendon; McReynolds; Menendez; Moreno, J.; Moreno, P.; Naishtat; Najera; Noriega; Oliveira; Olivo; Pickett; Puente; Rangel; Raymond; Reyna, A.; Salinas; Solis; Solomons; Turner, B.; Turner, S.; Uresti; Villarreal; Wilson; Wise; Wolens; Yarbrough; Zbranek.

Nays — Allen; Averitt; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Callegari; Carter; Chisum; Christian; Clark; Crabb; Craddick; Crownover; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dunnam; Elkins; Farabee; Gallego; George; Geren; Goodman; Goolsby; Green; Grusendorf; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hill; Homer; Hope; Howard; Hunter; Isett; Janek; Jones, D.; Jones, E.; Keel; Keffer; King, P.; Kolkhorst; Krusee; Kuempel; Luna; Madden; Marchant; McCall; Merritt; Miller; Morrison; Mowery; Nixon; Pitts; Ramsay; Reyna, E.; Ritter; Seaman; Shields; Smith; Smithee; Swinford; Talton; Telford; Tillery; Truitt; Walker; West; Williams; Wohlgemuth; Woolley.

Present, not voting — Mr. Speaker; Sadler(C).

Absent, Excused — Corte; Hilbert; Hupp.

Absent — Eiland; Junell; Thompson; Uher.

STATEMENT OF VOTE

I was shown voting yes on Record No. 343. I intended to vote no.

Menendez

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Corrections, will not meet.

GENERAL STATE CALENDAR HOUSE BILLS SECOND READING

The following bills were laid before the house and read second time:

CSHB 1945 ON SECOND READING (by Smithee)

CSHB 1945, A bill to be entitled An Act relating to the rulemaking authority of the commissioner of insurance.

Amendment No. 1

Representative Smithee offered the following amendment to **CSHB 1945**:

Amend **CSHB 1945** by striking all below the enacting clause and substituting the following:

SECTION 1. Section 36.001, Insurance Code, is amended to read as follows:

Sec. 36.001. ~~[RULES FOR]~~ GENERAL RULEMAKING AUTHORITY

~~[AND UNIFORM APPLICATION].~~ (a) The commissioner may adopt rules necessary and appropriate to implement ~~[for the conduct and execution of]~~ the powers and duties of the department authorized under this code and the other laws of this state ~~[only as authorized by statute].~~

(b) Rules adopted under this section must have general and uniform application.

~~[(c) The commissioner shall publish the rules in a format organized by subject matter. The published rules shall be kept current and be available in a form convenient to any interested person.]~~

SECTION 2. Section 36.004, Insurance Code, is amended to read as follows:

Sec. 36.004. COMPLIANCE WITH NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS REQUIREMENTS. Except as provided by Section 36.005, the ~~[The]~~ department may not require an insurer to comply with a rule, regulation, directive, or standard adopted by the National Association of Insurance Commissioners, including a rule, regulation, directive, or standard relating to policy reserves, unless application of the rule, regulation, directive, or standard is expressly authorized by statute and approved by the commissioner.

SECTION 3. Subchapter A, Chapter 36, Insurance Code, is amended by adding Section 36.005 to read as follows:

Sec. 36.005. ADOPTION OF INTERIM RULES TO COMPLY WITH FEDERAL REQUIREMENTS. (a) The commissioner may adopt rules to implement state responsibility in compliance with a federal law or regulation, or an action of a federal court relating to a person or activity under the jurisdiction of the department, if:

(1) a federal law or regulation, or an action of a federal court, requires:

(A) a state to adopt the rules; or

(B) action by a state to ensure protection of the citizens of the state;

(2) the rules will avoid federal preemption of state insurance regulation; or

(3) the rules will prevent the loss of federal funds to this state.

(b) The commissioner may adopt a rule under this section only if the federal action necessitating adoption of the rule occurs or takes effect while the legislature is not in session or at a time during a session of the legislature in which sufficient time does not exist to prepare a recommendation for legislative action or permit the legislature to act. A rule adopted under this section remains in effect until the expiration of the 30th day after the final day of the next succeeding session of the legislature, unless the legislature enacts a law that authorizes the subject matter of the rule. If a law is enacted that authorizes the subject matter of the rule, the rule continues in effect.

SECTION 4. Article 3.42(p), Insurance Code, is amended to read as follows:

(p) The commissioner may ~~[is hereby authorized to]~~ adopt ~~[such]~~ reasonable rules ~~[and regulations]~~ as ~~[are]~~ necessary to implement and accomplish the ~~[specific provisions of this Article and are within the standards and]~~ purposes of this Article. The commissioner shall adopt rules under this Article in compliance with Chapter 2001, Government Code (Administrative

Procedure Act). A rule adopted under this Article may not be repealed or amended until after the first anniversary of the adoption of the rule unless the commissioner finds that it is in the significant and material interests of the citizens of this state or that it is necessary as a result of legislative enactment to amend, repeal, or adopt a ~~[in a public hearing after notice that there is a compelling public need for the amendment or repeal of the]~~ rule or part of a ~~[the]~~ rule.

SECTION 5. Section 36.002, Insurance Code, is repealed.

SECTION 6. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the necessary vote for immediate effect, this Act takes effect September 1, 2001.

Amendment No. 1 was adopted without objection.

CSHB 1945, as amended, was passed to engrossment.

CSSB 846 ON SECOND READING (Naishtat - House Sponsor)

CSSB 846, A bill to be entitled An Act relating to municipal payroll deductions.

CSSB 846 was considered in lieu of **HB 1957**.

A record vote was requested.

CSSB 846 was passed to third reading by (Record 344): 73 Yeas, 65 Nays, 2 Present, not voting.

Yeas — Alexander; Bailey; Bosse; Burnam; Capelo; Chavez; Coleman; Cook; Counts; Danburg; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; Giddings; Glaze; Gray; Gutierrez; Haggerty; Hinojosa; Hochberg; Hodge; Homer; Hopson; Jones, J.; King, T.; Kitchen; Lewis, G.; Lewis, R.; Longoria; Luna; Martinez Fischer; Maxey; McClendon; McReynolds; Menendez; Moreno, J.; Moreno, P.; Naishtat; Najera; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Rangel; Raymond; Reyna, A.; Salinas; Solis; Telford; Tillery; Turner, B.; Turner, S.; Uresti; Villarreal; Walker; Wilson; Wise; Wolens; Yarbrough; Zbranek.

Nays — Allen; Averitt; Berman; Brimer; Brown, B.; Brown, F.; Callegari; Carter; Chisum; Christian; Clark; Crabb; Craddick; Crownover; Davis, J.; Delisi; Denny; Elkins; George; Geren; Goodman; Goolsby; Green; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hope; Howard; Hunter; Isett; Janek; Jones, D.; Jones, E.; Keel; Keffer; King, P.; Kolkhorst; Krusee; Kuempel; Madden; McCall; Merritt; Miller; Morrison; Mowery; Nixon; Ramsay; Reyna, E.; Ritter; Seaman; Shields; Smith; Smithee; Solomons; Swinford; Talton; Truitt; West; Williams; Wohlgemuth; Woolley.

Present, not voting — Mr. Speaker; Sadler(C).

Absent, Excused — Corte; Hilbert; Hupp.

Absent — Bonnen; Driver; Grusendorf; Junell; Marchant; Thompson; Uher.

STATEMENT OF VOTE

I was shown voting no on Record No. 344. I intended to vote yes.

Keel

HB 1957 - LAID ON THE TABLE SUBJECT TO CALL

Representative Naishtat moved to lay **HB 1957** on the table subject to call.

The motion prevailed without objection.

HB 2098 ON SECOND READING

(by Morrison, Hopson, et al.)

HB 2098, A bill to be entitled An Act relating to the punishment for the offense of unlawful restraint.

HB 2098 was passed to engrossment.

CSHB 2351 ON SECOND READING

(by Hinojosa)

CSHB 2351, A bill to be entitled An Act relating to requiring the corroboration of certain testimony in a criminal case involving controlled substances.

Representative Hinojosa moved to postpone consideration of **CSHB 2351** until 2 p.m. tomorrow.

The motion prevailed without objection.

CSHB 2486 ON SECOND READING

(by Clark)

CSHB 2486, A bill to be entitled An Act relating to the purchasing and contracting authority of municipalities; providing penalties.

Amendment No. 1

Representative Clark offered the following amendment to **CSHB 2486**:

Amend **CSHB 2486** as follows:

(1) On page 3, line 5, after "Government Code;" by striking "and" and substituting "or".

(2) On page 4, line 8, by striking "item" and substitute "procurement".

(3) On page 4, line, before the semicolon, by inserting "purchased by a municipality with a population of 75,000 or more".

(4) On page 9 by striking lines 10-12 and substituting the following:

(6) a purchase or lease of land, a purchase of a temporary right to use or occupy land, or a purchase of a right-of-way;

(5) On page 13, line 22, between "desired" and ".", insert ", and the business address and phone number of the municipality"

(6) On page 23, line 17, between "address" and "of", insert "and phone number".

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Clark offered the following amendment to **CSHB 2486**:

Amend **CSHB 2486** as follows:

- (1) On page 8, line 16, strike "subchapter" and substitute "chapter".
- (2) On page 8, lines 17-18, strike "the following contracts:
(1)".
- (3) On page 8, line 18, strike "; or" and substitute ".".
- (4) On page 8, line 19, strike "(2)" and substitute "(b) This subchapter does not apply to".
- (5) On page 8, line 21, strike "(b)" and substitute "(c)".
- (6) On page 11, line 25, strike "(c) The exemption provided by Subsection (b)(16)" and substitute "(d) The exemption provided by Subsection (c)(16)".
- (7) On page 12, line 2, strike "(d) Contracts exempted under Subsection (b)" and substitute "(e) Contracts exempted under Subsection (c)".

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Clark offered the following amendment to **CSHB 2486**:

Amend **CSHB 2486** as follows:

- (1) On page 16, line 9, strike "or".
- (2) On page 16, line 11, after the semicolon, insert "or".
- (3) On page 16, between lines 11 and 12, insert the following:
(G) failure to promptly and equitably resolve claims for damages suffered by a third party as a result of the wrongful act or negligence of the bidder, an employee of the bidder, or a subcontractor of the bidder during the performance of a contract;

Amendment No. 3 was adopted without objection.

Amendment No. 4

Representative Clark offered the following amendment to **CSHB 2486**:

Amend **CSHB 2486** as follows:

- (1) On page 18, between lines 17 and 18, insert the following:
(b) Subsection (a) does not apply to an administrative agency created by an interlocal agreement or to an officer or employee of the administrative agency while the officer or employee is performing official duties of the administrative agency.
- (2) On page 18, line 18, strike "(b)" and substitute "(c)".
- (3) On page 27, line 19, between "Section 252.085" and the semicolon, insert "except as provided by Subsection (f)".
- (4) On page 29, between lines 14-15, insert the following:
(f) Procedures for proposals by direct solicitation under Section 252.085 may not be used to acquire insurance, insurance consulting, or other insurance related services under a contract that has a term exceeding 30 days.

Amendment No. 4 was adopted without objection.

Amendment No. 5

Representative Clark offered the following amendment to **CSHB 2486**:

Amend **CSHB 2486** as follows:

(1) On page 19, lines 23-24, by striking "in the notice to bidders must specify" and substituting "to bidders in the specifications must state [specify]".

(2) On page 25, lines 7-8, by striking "at the completion of the online bidding process" and substituting "immediately after the deadline for submitting online bids".

(3) On page 26, line 13, by striking "At the completion of the" and substitute "Immediately after the deadline for submitting bids in a".

(4) On page 27, line 12, by striking "may use any" and substituting "shall use one".

Amendment No. 5 was adopted.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Telford requested permission for the Committee on Calendars to meet while the house is in session.

Permission to meet was granted without objection.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Calendars, 8:45 p.m. today, speakers committee room.

CSHB 2486 - (consideration continued)

Amendment No. 6

Representative G. Lewis offered the following amendment to **CSHB 2486**:

Amend **CSHB 2486** as follows:

(1) On page 15, line 8, between "CONTRACT" and the period, insert "; BEST VALUE STANDARD".

(2) On page 15, strike line 11, and substitute the following:
"awarded to the [~~lowest responsible~~] bidder who provides goods or services at the best value for the municipality.

(b) In determining the best value for the municipality under the procedures of this subchapter, the municipality may consider:

(1) the purchase price;

(2) the reputation of the bidder and of the bidder's goods or services;

(3) the quality of the bidder's goods or services;

(4) the extent to which the goods or services meet the municipality's needs;

(5) the bidder's past history of performance on similar contracts and the bidder's past relationship with the municipality, including consideration of the responsibility standards described by Section 252.026 and the disqualification criteria prescribed by Section 252.027;

(6) the impact on the ability of the municipality to comply with laws

and rules relating to contracting with historically underutilized businesses and nonprofit organizations employing persons with disabilities;

(7) the total long-term cost to the municipality to acquire the bidder's goods or services, including life cycle costs if applicable; and

(8) any other relevant factor that a private business entity would consider in selecting a bidder.

(c) The governing body of"

(3) On page 15, line 13, strike "(b)" and substitute "(d)".

(4) On page 15, line 25, strike "is the lowest responsible bidder" and substitute "provides goods or services at the best value for the municipality".

(5) On page 15, line 26, between "bidder's" and the colon, insert "professional responsibility, including".

(6) On page 17, line 8, strike "lowest".

Amendment No. 6 was adopted without objection.

Amendment No. 3 - Vote Reconsidered

Representative Bosse moved to reconsider the vote by which Amendment No. 3 was adopted.

The motion to reconsider prevailed.

Amendment No. 3 was withdrawn.

Representative Villarreal moved to table **CSHB 2486**.

The motion to table was withdrawn.

A record vote was requested.

CSHB 2486, as amended, failed to pass to engrossment by (Record 345): 49 Yeas, 93 Nays, 2 Present, not voting.

Yeas — Allen; Averitt; Berman; Bonnen; Brimer; Brown, B.; Brown, F.; Callegari; Christian; Clark; Craddick; Crownover; Davis, J.; Denny; Driver; Ehrhardt; Elkins; George; Grusendorf; Haggerty; Hamric; Hartnett; Hope; Hunter; Isett; Janek; Jones, D.; Jones, E.; Keel; Keffer; King, P.; Krusee; Kuempel; Lewis, G.; Lewis, R.; Madden; Marchant; McCall; Merritt; Miller; Mowery; Nixon; Reyna, E.; Seaman; Solomons; Truitt; Williams; Wohlgemuth; Woolley.

Nays — Alexander; Bailey; Bosse; Burnam; Capelo; Chavez; Chisum; Coleman; Cook; Counts; Crabb; Danburg; Davis, Y.; Delisi; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; Geren; Giddings; Glaze; Goodman; Gray; Green; Gutierrez; Hardcastle; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hopson; Howard; Jones, J.; King, T.; Kitchen; Kolkhorst; Longoria; Luna; Martinez Fischer; Maxey; McClendon; McReynolds; Menendez; Moreno, J.; Moreno, P.; Morrison; Naishtat; Najera; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Ritter; Salinas; Shields; Smith; Smithe; Solis; Swinford; Talton; Telford; Thompson; Tillery; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Wilson; Wise; Wolens; Yarbrough; Zbraneck.

Present, not voting — Mr. Speaker; Sadler(C).

Absent, Excused — Corte; Hilbert; Hupp.

Absent — Carter; Goolsby; Junell.

CSHB 2570 ON SECOND READING

(by Olivo, S. Turner, Dunnam, Dutton, Capelo, et al.)

CSHB 2570, A bill to be entitled An Act relating to alternative compensatory criteria for promotion to certain grade levels in public school.

Amendment No. 1

Representative Zbranek offered the following amendment to **CSHB 2570**:

Amend **CSHB 2570** as follows:

(1) On page 2, line 18, between "(b)." and "The", insert the following:
If the student is an individual with a disability, as defined by 29 U.S.C. Section 705(20) and its subsequent amendments, the committee established by the school district in compliance with Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), and its subsequent amendments shall determine whether the student has met the alternative compensatory promotion criteria.

(2) On page 2, line 18, strike "The committee's decision" and substitute "The decision of a committee".

(3) On page 2, line 20, strike "A committee established under" and substitute "The committee described by".

Amendment No. 1 was adopted without objection.

CSHB 2570, as amended, was passed to engrossment. (Heflin, Seaman, Shields, Williams, and Wohlgemuth recorded voting no)

(Speaker in the chair)

CSHB 3623 ON SECOND READING

(by Flores)

CSHB 3623, A bill to be entitled An Act relating to the transfer of certain underused real property owned or controlled by the state to political subdivisions for use as affordable and accessible housing.

CSHB 3623 was passed to engrossment.

HB 2578 ON SECOND READING

(by Haggerty)

HB 2578, A bill to be entitled An Act relating to the subpoena and investigative authority of the Texas Lottery Commission for the regulation of bingo.

HB 2578 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE FLORES: Mr. Haggerty, what I want to do, if you'll allow me, is lay out some legislative intent. This bill was heard in our committee, in Licensing and Regulation. Is it the intent of this bill, what type of records are going to be subpoenaed from the nonprofits, say like, for instance, the Knights of Columbus in my district?

REPRESENTATIVE HAGGERTY: Only the records that would pertain to the

bingo proceeds that they were receiving. What has happened, Mr. Flores, is that in many situations that have occurred around the state now, the biggest problem that we're facing is the fact that you have these large bingo halls controlled by a single individual who hires the people to work there, who sells the candy, who sells the food, who sells the scratch-offs. It is all a cash business. He runs up a tremendous number of expenses and then turns over at the end of the month a piddling little amount of money to the charities involved. The only thing that would be subpoenaed from those charities would be their records of the amount that they're receiving, so that they would be able to go back and get from the hall organizer his records and prove that he is truly playing the game square. Now, if that paternal organization is, in fact, not using their money for the charitable purpose for which it is intended, then that can be subpoenaed as well. They are going to ask them, how much bingo money are you making, how much are you giving away.

FLORES: Okay, but if they have other charitable organizations?

HAGGERTY: They don't care about any of those other records. All they're looking for is the proceeds of bingo and whether that bingo money is then being given away to the charities it's supposed to be given away to.

FLORES: In the bill it also says it's permissive, and it says may be required?

HAGGERTY: Of course. In other words, the only time the bingo commission is going to be subpoenaing anything is if there is some evidence of wrong doing.

FLORES: So my Catholics, war veterans, VOWs, Knights of Columbus, don't have anything to worry about?

HAGGERTY: They'll probably never be subpoenaed at all if they're doing things properly and if they're following the law.

REMARKS ORDERED PRINTED

Representative Flores moved to print remarks by Representative Haggerty and Representative Flores.

The motion prevailed without objection.

Amendment No. 1

Representative Christian offered the following amendment to **HB 2578**:

Amend **HB 2578**, on page 2, between lines 7 and 8, by inserting the following:

(h) The commission may not issue a subpoena to a religious society.

Representative Haggerty moved to table Amendment No. 1.

The motion to table prevailed.

HB 2578 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE GREEN: Mr. Haggerty, when I asked Mr. Christian about the probable cause issue, you were saying they do have to show

probable cause?

REPRESENTATIVE HAGGERTY: Yes sir, they do. If you'll look at "Evidence acquired under a commission subpoena is not a public record for the period the commission or its agent determines is reasonably necessary to complete an investigation, protect the person being investigated from unwarranted injury, or serve the public interest. The evidence is not subject to a subpoena, other than a grand jury subpoena, until the evidence is released by the commission for public inspection, or after notice and a hearing, a district court determines that complying with the subpoena would not jeopardize the public interest and any investigation by the commission."

GREEN: Does that mean they could issue the subpoena, but then not use it or it wouldn't be public record until after they showed—they don't have to show the probable cause until after?

HAGGERTY: Exactly.

GREEN: What about their delegating of the subpoena power to staff, can they do that?

HAGGERTY: The only reason that you have subpoena power in the first place is because of the fact there is a supposed violation of the law. Therefore, you issue the subpoena to find out if in fact there is a violation of the law.

GREEN: Right, but they're not having to show to anyone else that they have probable cause to issue the subpoena?

HAGGERTY: No.

GREEN: Then, on the delegating power to staff, they can delegate that subpoena power to staff, so staff could actually be the one issuing the subpoena?

HAGGERTY: Yes.

REMARKS ORDERED PRINTED

Representative Green moved to print remarks by Representative Green and Representative Haggerty.

The motion prevailed without objection.

CSHB 2578 was passed to engrossment.

HB 2735 ON SECOND READING (by Thompson)

HB 2735, A bill to be entitled An Act relating to the certification and licensing of court interpreters; providing penalties.

Amendment No. 1 (Committee Amendment No. 1)

Representative Thompson offered the following committee amendment to **HB 2735**:

Amend **HB 2735** on page 1, line 11, following "individual" by adding

the following: "who is a qualified interpreter as defined in Article 38.31, Code of Criminal Procedure, or Section 21.003, Civil Practices and Remedies Code or".

Amendment No. 1 was adopted without objection.

Amendment No. 2 (Committee Amendment No. 2)

Representative Thompson offered the following committee amendment to **HB 2735**:

Amend **HB 2735** on page 2 by striking lines 15 through 26 and substituting the following:

(c) In a county with a population of less than 50,000, a court may appoint a spoken language interpreter who is not a certified or licensed court interpreter and who is

(1) qualified by the court as an expert under the Texas Rules of Evidence;

(2) at least 18 years of age; and

(3) is not a party to the proceeding.

Amendment No. 2 was adopted without objection.

HB 2735, as amended, was passed to engrossment.

HB 2759 ON SECOND READING

(by Smith)

HB 2759, A bill to be entitled An Act relating to the date by which a school district must file its annual audit report with the Texas Education Agency.

HB 2759 was passed to engrossment.

CSHB 2776 ON SECOND READING

(by Wise, Swinford, Counts, Hinojosa, Carter, et al.)

CSHB 2776, A bill to be entitled An Act relating to the establishment of a colonia self-help program.

CSHB 2776 was passed to engrossment.

HB 2800 ON SECOND READING

(by Hodge, Haggerty, Hawley, Crabb, Ritter, et al.)

HB 2800, A bill to be entitled An Act relating to the restoration of forfeited good conduct time.

Amendment No. 1

Representative Hodge offered the following amendment to **HB 2800**:

Amend **HB 2800** by adding a new SECTION 2 to read as follows and by renumbering existing SECTION 2 as SECTION 3:

SECTION 2. It is the intent of the legislature that the Texas Department of Criminal Justice shall restore previously forfeited good conduct time as permitted by Section 498.004, Government Code, as amended by this Act, in each circumstance in which the conduct of an inmate warrants the restoration of the previously forfeited good conduct time.

Amendment No. 1 was adopted without objection.

HB 2800, as amended, was passed to engrossment.

CSHB 2807 ON SECOND READING
(by Kitchen, Chavez, and Naishtat)

CSHB 2807, A bill to be entitled An Act relating to a demonstration project to extend Medicaid coverage to certain low-income individuals.

Amendment No. 1

Representative Kitchen offered the following amendment to **CSHB 2807**:

Amend **CSHB 2807** as follows:

(1) On page 2, line 16, between "entities" and "to", insert the following: ", which may include a county indigent health care program,"

(2) On page 3, line 3, strike "The Texas Department of Health" and substitute "The Health and Human Services Commission".

(3) On page 3, line 9, between "725,000" and the period, insert the following: ", and may include local funds made available through a county indigent health care program".

(4) On page 3, between lines 9 and 10, insert the following:

(h) The Health and Human Services Commission shall appoint an advisory committee to assist the commission and the Texas Department of Health in establishing and implementing the demonstration project. The advisory committee must include health care providers and local government officials.

(5) On page 3, line 10, strike "(h)" and substitute "(i)".

(6) On page 3, line 19, strike "(i)" and substitute "(j)".

Amendment No. 1 was adopted without objection.

CSHB 2807, as amended, was passed to engrossment. (Heflin recorded voting no)

HB 2871 ON SECOND READING
(by Ramsay)

HB 2871, A bill to be entitled An Act relating to rate rollback for certain lines of insurance.

HB 2871 was passed to engrossment.

HB 2921 ON SECOND READING
(by J. Jones and Hodge)

HB 2921, A bill to be entitled An Act relating to requiring verification of information regarding potentially ineligible voters produced for a county by a private business entity.

HB 2921 was passed to engrossment.

RULES SUSPENDED

Representative Wolens moved to suspend the 5-day posting rule to allow the Committee on State Affairs to have a public hearing in E2.010 on Friday, May 11, upon final adjournment to consider **SB 309**, **SB 311**, **SB 497**, **SB 839**, **SB 1182**, **SB 1396**, **SB 1458**, **SB 1496**, and **SB 1800**.

The motion prevailed without objection.

Representative Alexander moved to suspend the 5-day posting rule to allow the Committee on Transportation to meet upon adjournment at Desk 25 to consider **SB 195, SB 545, SB 569, SB 886, SB 907**, and pending business.

The motion prevailed without objection.

Representative Sadler moved to suspend the 5-day posting rule to allow the Committee on Public Education to consider **SB 350, SB 579, SB 702, SB 745**, and **SCR 50**.

The motion prevailed without objection.

Representative Smithee moved to suspend the 5-day posting rule to allow the Committee on Insurance to consider **SB 8** and **SB 1181**.

The motion prevailed without objection.

Representative Rangel moved to suspend the 5-day posting rule to allow the Committee on Higher Education to consider **SB 1100** and **SB 1814** upon adjournment today in room E2.012.

The motion prevailed without objection.

Representative Bosse moved to suspend the 5-day posting rule to allow the Committee on Civil Practices to consider **SCR 1**.

The motion prevailed without objection.

Representative B. Turner moved to suspend the 5-day posting rule to allow the Committee on Public Safety to consider **SB 654, SB 819, SB 1213, SB 1224** in a public hearing in room E2.016 at 8 a.m. tomorrow.

The motion prevailed without objection.

Representative Walker moved to suspend the 5-day posting rule to allow the Committee on Land and Resource Management to meet upon adjournment in E2.014 instead of 30 minutes after adjournment.

The motion prevailed without objection.

Representative Carter moved to suspend the 5-day posting rule to allow the Committee on Financial Institutions to consider **SB 988, SB 1173, SB 1485, SB 1611, SB 1759, SB 1798** at 9 a.m. tomorrow in room E2.028 in a public hearing.

The motion prevailed without objection.

Representative Ramsay moved to suspend the 5-day posting rule to allow the Committee on County Affairs to consider **SB 1226**.

The motion prevailed without objection.

Representative Carter moved to suspend the 5-day posting rule to allow the Committee on Urban Affairs to consider **SB 382, SB 929**, and **SB 1621** upon first adjournment at Desk 46.

The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Land and Resource Management, upon final adjournment instead of 30 minutes after adjournment today, E2.014, for a public hearing.

Criminal Jurisprudence will not meet today as posted.

Public Education, upon final adjournment today, E2.036, for a public hearing, to consider **SB 350, SB 579, SB 702, SB 745, and SCR 50.**

Transportation, upon final adjournment today, Desk 25, for a formal meeting.

Insurance, upon final adjournment today, Desk 24, for a formal meeting, to consider pending business and **SB 8.**

State Affairs, upon final adjournment Friday, May 11, E2.010, for a public hearing, to consider **SB 309, SB 311, SB 497, SB 839, SB 1182, SB 1396, SB 1458, SB 1496, and SB 1800.**

Urban Affairs, upon first adjournment today, Desk 46, to consider **SB 382, SB 929, and SB 1621.**

Financial Institutions, 9 a.m. tomorrow, E2.028, for a public hearing, to consider **SB 988, SB 1173, SB 1485, SB 1611, SB 1759, and SB 1798.**

Higher Education, upon final adjournment today, E2.012, to consider **SB 1100 and SB 1814.**

Public Safety, 8 a.m. tomorrow, E2.016, for a public hearing, to consider **SB 654, SB 819, SB 1213, and SB 1224.**

Redistricting will not meet tonight.

ADJOURNMENT

Representative Gray moved that the house adjourn until 10 a.m. tomorrow.

The motion prevailed without objection.

The house accordingly, at 9:50 p.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

HCR 279 (By Capelo), Directing the Texas Department of Health to adopt and enforce rules for the ImmTrac Registry.

To Public Health.

HCR 280 (By Villarreal), In memory of the Honorable Carlos Cristian Cadena of San Antonio.

To Rules & Resolutions.

HR 952 (By West), Recognizing the American Combat Airman Hall of Fame as the Official Combat Hall of Fame.

To State, Federal & International Relations.

HR 962 (By Hodge), Honoring Corrian Williams for being an honorary page.

To Rules & Resolutions.

HR 963 (By Hodge), Honoring Julian Harrison for being an honorary page.

To Rules & Resolutions.

HR 964 (By Hunter), Recognizing the accomplishments of Italian contemporary artist Benini of the Texas Hill Country.

To Rules & Resolutions.

HR 965 (By Truitt), In memory of Deputy Leonard Burton Turner of Goliad County.

To Rules & Resolutions.

HR 966 (By Truitt), In memory of Senior Deputy Keith G. Ruiz of Austin.

To Rules & Resolutions.

HR 969 (By Chavez), Honoring Anabel Romero of El Paso on the occasion of her graduation from Southwest Texas State University.

To Rules & Resolutions.

HR 971 (By West), Honoring Barbara Henderson for receiving a lifetime achievement award.

To Rules & Resolutions.

HR 977 (By R. Lewis), In memory of Maureen Jane Hutchins of Orange.

To Rules & Resolutions.

HR 978 (By R. Lewis), Honoring the Hosanna Gospel Group for its many good works in the State of Texas.

To Rules & Resolutions.

HR 979 (By R. Lewis), Congratulating the 20 Point Club students at West Orange-Stark Middle School.

To Rules & Resolutions.

HR 980 (By F. Brown), Honoring Alfred Hutmacher, Lieutenant Obit Volker Lossner, and Colonel Thomas C. Fosnacht for their roles in returning the class ring of First Lieutenant Turney W. Leonard, Texas A&M University for facilitating the return of the ring, and Douglas Leonard of Dallas and other members of First Lieutenant Leonard's family for their donation of the ring and First Lieutenant Leonard's Medal of Honor to Texas A&M University for permanent display.

To Rules & Resolutions.

HR 981 (By Capelo), Congratulating Michael Carlos Uresti of San Antonio on his achievements.

To Rules & Resolutions.

HR 982 (By Callegari), Congratulating Jerry and Ann Hays of Henderson on the occasion of their 50th wedding anniversary.

To Rules & Resolutions.

HR 984 (By Kitchen), Honoring Kim Caldwell of Austin on her many accomplishments.

To Rules & Resolutions.

HR 986 (By Swinford), Honoring Martha Allison on her exemplary record of service at the Borger Bus Station.

To Rules & Resolutions.

HR 987 (By Clark), In memory of James Arvel "Jim" Lamance of Cherry Mound.

To Rules & Resolutions.

HR 988 (By Clark), Commending the Honorable Don Jarvis, judge of County Court at Law No. 1 of Grayson County, on his impressive record of service.

To Rules & Resolutions.

SB 427 to Insurance.

SB 1609 to Environmental Regulation.

SB 1636 to Higher Education.

SB 1807 to Criminal Jurisprudence.

SB 1818 to Land & Resource Management.

SJR 52 to Teacher Health Insurance, Select.

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

House List No. 48

HB 198, HB 482, HB 780, HB 1175

Senate List No. 23

SB 36, SB 55, SB 72, SB 76, SB 83, SB 116, SB 134, SB 154, SB 183, SB 379, SB 634, SB 644, SB 692, SB 708, SB 717, SB 833, SB 908, SB 926, SB 994, SB 1014, SB 1113, SB 1159, SB 1162, SB 1206, SB 1230, SB 1264, SB 1355, SB 1454, SB 1583, SB 1680, SB 1789, SCR 10, SCR 17, SCR 33, SCR 43

Senate List No. 24

SB 1498

MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

Message No. 3**MESSAGE FROM THE SENATE
SENATE CHAMBER**

Austin, Texas

Tuesday, May 8, 2001 - 3

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 3343 Sadler SPONSOR: Bivins
Relating to benefits, including group benefits coverage, for certain participants of the Teacher Retirement System of Texas and employees of certain charter schools.
(COMMITTEE SUBSTITUTE/AMENDED)

Respectfully,

Betty King
Secretary of the Senate

Message No. 4**MESSAGE FROM THE SENATE
SENATE CHAMBER**

Austin, Texas

Tuesday, May 8, 2001 - 4

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 772 Haggerty SPONSOR: Armbrister
Relating to the eligibility of certain offenders for medically recommended intensive supervision and the provision of facilities for those offenders.
(COMMITTEE SUBSTITUTE)

HB 1245 Goodman SPONSOR: Harris
Relating to the relationship between separate and community property during a marriage.
(AMENDED)

HB 2218 Rangel SPONSOR: Staples
Relating to the amount of the international education fee charged at certain institutions of higher education.

HB 2908 Hawley SPONSOR: Truan
Relating to transferring the Texas Strategic Military Planning Commission to the office of the governor.

HCR 196 Isett SPONSOR: Duncan
Designating Lubbock as the Texas City of Vatican Art for Year 2002.

Respectfully,

Betty King
Secretary of the Senate

Message No. 5

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Tuesday, May 8, 2001 - 5

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

THE SENATE HAS CONCURRED IN HOUSE AMENDMENTS TO THE
FOLLOWING MEASURES:

SB 232 (28 Yeas, 0 Nays, 1 Present Not Voting)
SB 288 (viva-voce vote)
SB 571 (28 Yeas, 0 Nays, 1 Present Not Voting)
SB 832 (28 Yeas. 0 Nays, 1 Present Not Voting)
SB 1185 (viva-voce vote)
SB 1196 (viva-voce vote)
SB 1380 (viva-voce vote)

Respectfully,

Betty King
Secretary of the Senate

Message No. 6

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Tuesday, May 8, 2001 - 6

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 32 Zaffirini

Relating to the application fee for a disabled parking placard.

SB 174 Duncan

Relating to the exemption from ad valorem taxation of tangible personal property held at certain locations only temporarily for assembling, manufacturing, processing, or other commercial purposes.

SB 853 Harris

Relating to service of citation and publication of certain notices required by law.

Respectfully,

Betty King

Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

May 7

Business & Industry - **HB 1034, HB 2202, SB 507, SB 913**

Criminal Jurisprudence - **SB 553**

Economic Development - **SB 326**

Energy Resources - **SB 310**

Financial Institutions - **HB 3668, HB 3669, SB 698, SB 707, SB 935, SB 1415, SB 1449, SJR 26**

Higher Education - **HB 140, SB 1186, SB 1260, SB 1429, SB 1472, SB 1797**

Human Services - **SB 535, SB 1245**

Insurance - **HB 3346**

Judicial Affairs - **SB 1199**

Licensing & Administrative Procedures - **HB 2038, HB 2732, HB 2958, HB 3234, HB 3400, HJR 110**

Natural Resources - **HB 1978**

Pensions & Investments - **HB 783**

Public Education - **SB 518, SB 538, SB 975, SB 1671**

Public Health - **HB 3085, SB 51, SB 1045, SB 1046, SB 1080, SB 1386**

Public Safety - **HB 1386, SB 391, SB 1371**

State, Federal & International Relations - **HCR 274, SB 1164, SB 1539**

Transportation - **HB 3679, SB 192, SB 925, SB 1802**

Urban Affairs - **HB 1660**

Ways & Means - **SB 650, SB 1189, SB 1272, SB 1497, SB 1710, SB 1737**

SENT TO THE GOVERNOR

May 7 - HB 317, HB 551, HB 1665, HCR 127, HCR 141, HCR 263

SIGNED BY THE GOVERNOR

May 7 - HB 919, HB 1086, HCR 258

